



H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

**MISSION BOULEVARD CORRIDOR
SPECIFIC PLAN EIR
BIOLOGICAL RESOURCES REPORT**

Prepared by:

H. T. Harvey & Associates

Steve Rottenborn, Ph.D., Principal
Patrick Boursier, Ph.D., Senior Plant Ecologist
Ginger Bolen, Ph.D., Senior Wildlife Ecologist
Catherine Roy, M.S., Plant Ecologist

Prepared for:

Lamphier-Gregory
1944 Embarcadero
Oakland, California 94606
Attn: Kevin Colin

13 June 2011

Project No. 3140-01

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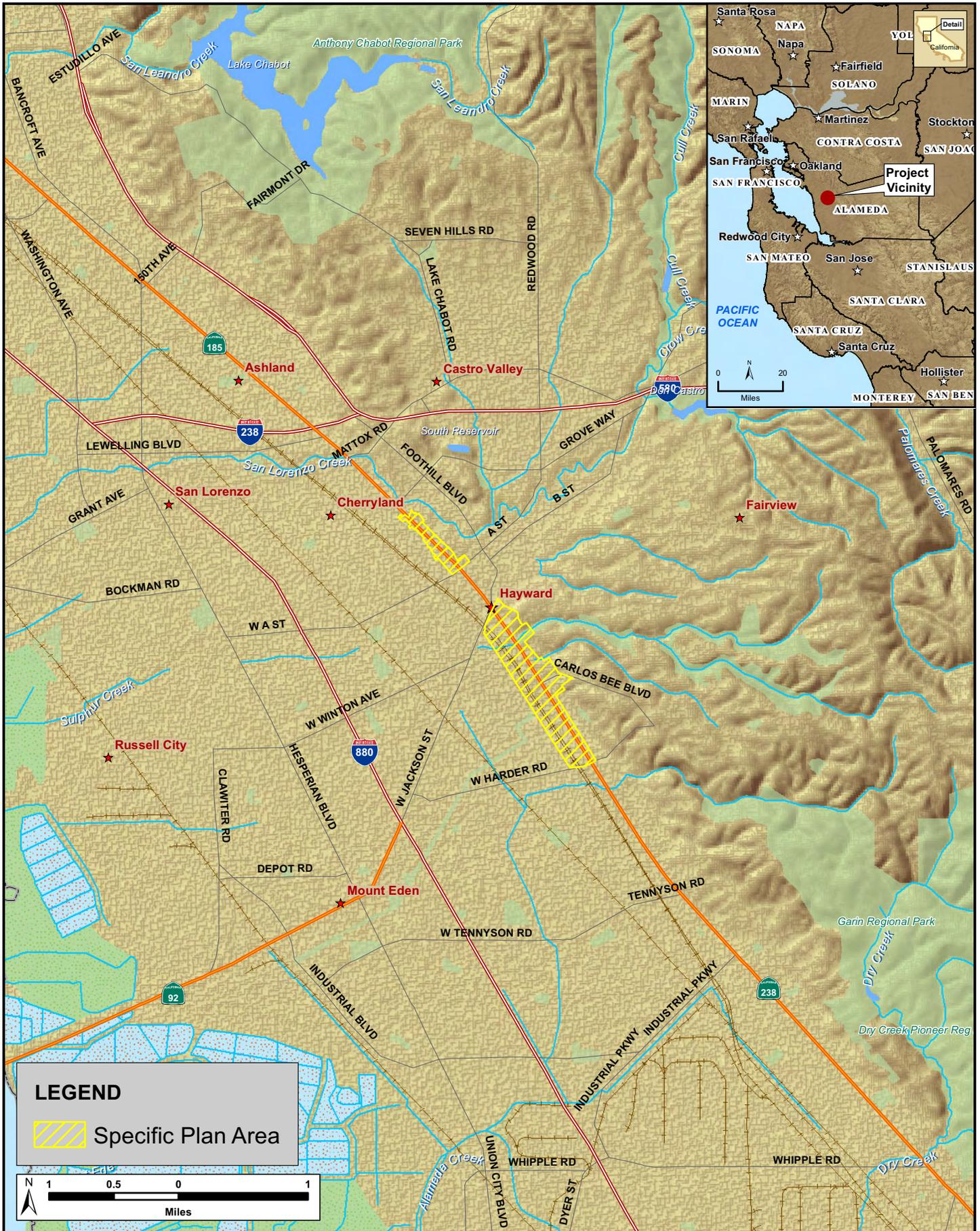
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INTRODUCTION

This report describes the biological resources within the boundaries of the Mission Boulevard Corridor Specific Plan (hereafter referred to as the “Project”). Major goals of the Project include revitalization of a key north-south corridor that provides services to the eastern portion of the City of Hayward (City) while addressing the current deterioration of the existing uses, including distressed auto-related uses; and establishing a vision for transit-oriented development that incorporates economic and environmental sustainability.

The Project will include the preparation of a Form-Based Code, Economic Strategy, and Fiscal Impact Analysis. Project objectives are to develop a vision and implementation strategy that will result in attractive development for the City and that will include vibrant commercial uses, pedestrian-friendly neighborhoods that are safe, desirable, and at sufficient densities to support public transportation, and a built form that will encourage such uses.

Located in Hayward, Alameda County, California, the Project consists of two distinct, “segments” along Mission Boulevard, a southern segment that includes areas from Harder Road to Jackson Street and a northern segment that includes areas from A Street to the northern City limits (Figure 1). The area within the Project boundary (Project Area) encompasses approximately 600 parcels and has a total length of approximately 2 miles (mi). It is within the City’s redevelopment project area and encompasses portions of three Hayward neighborhood planning areas (North Hayward, Mission/Foothills, and Jackson Triangle).



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ENVIRONMENTAL SETTING

GENERAL PROJECT AREA DESCRIPTION AND EXISTING USES

The Project Area is located approximately 5 mi east of the southeastern shore of San Francisco Bay, at the western toe of the Diablo Mountain Range. Topography on the east side of Mission Boulevard includes some moderately steep foothills descending from the Diablo Range, leveling into the valley on the east side of Mission Boulevard, and draining into San Francisco Bay. Elevations range from approximately 59 feet (ft) in the southwest corner of the Project Area to 240 ft in the southeastern portion of the Project Area. The mean annual precipitation varies from 14 to 29 inches, and the mean annual temperature ranges from 52 to 67 degrees Fahrenheit (NRCS 2010a).

The majority of the approximately 265-acre Project Area is composed of developed and landscaped lands, including residential, retail, business offices, hotels, restaurants, and auto dealerships. However, small portions of the Project Area feature patches of ruderal grassland, riparian woodland, and aquatic habitats.

Nine different soil types underlie the Project Area, although many of these have been degraded due to activities associated with urbanization. Danville silty clay loam, 0 to 2 percent slopes, which is primarily a silty clay loam derived from sedimentary alluvium, underlies the majority of the site. Millsholm silt loam, 30-50 percent slopes, underlies Ward Creek and the surrounding riparian habitat in Hayward Memorial Park. These soils are composed of residuum from weathered sedimentary rock and are relatively shallow silt loams over unweathered bedrock. Altamont clay, 15 to 30 percent slopes, underlies the agricultural/ruderal grassland south of Carlos Bee Boulevard and east of Mission Boulevard. These soils are derived from residuum weathered from sandstone and shale and/or residuum weathered from conglomerate, and are clay soils to 50 inches over weathered bedrock (NRCS 2010b).

BIOTIC SURVEYS

Prior to conducting field work, H. T. Harvey & Associates ecologists reviewed the California Department of Fish and Game's (CDFG) Natural Diversity Database (CNDDDB); recent ecological studies of other projects in the vicinity, including the Route 238 Corridor Improvement Project Final Environmental Impact Report (Jones & Stokes 2007); and other technical databases and publications on special-status species in the vicinity in order to assess the current distribution of special-status plants and wildlife in the Project Area.

Reconnaissance-level field surveys of the Project Area were conducted on 23 September 2010. The purpose of these surveys was to provide a project-specific impact assessment. Specifically, surveys were conducted to: 1) assess existing biotic habitats in the Project Area, 2) assess the site for its potential to support special-status species and their habitats, and 3) identify potential jurisdictional features such as waters of the U.S. and riparian habitat. Survey personnel included plant ecologist Catherine Roy, M. S., and senior wildlife ecologist Ginger Bolen, Ph.D.

BIOTIC HABITATS

Four biotic habitats/land use types occur in the Project Area: developed/landscaped, agricultural/ruderal grassland, ornamental woodland, and riparian/aquatic/wetland. Wherever possible, habitats were described based on Holland's system of classification (1986), a relatively coarse level of classification based on general species assemblages and broad edaphic (soil) characteristics. These habitats are described in detail below, and their distribution both within the Project Area and, for certain sensitive habitats, in adjacent areas is shown in Figure 2. Table 1 provides the approximate acreage of each habitat and land use type within the Project area.

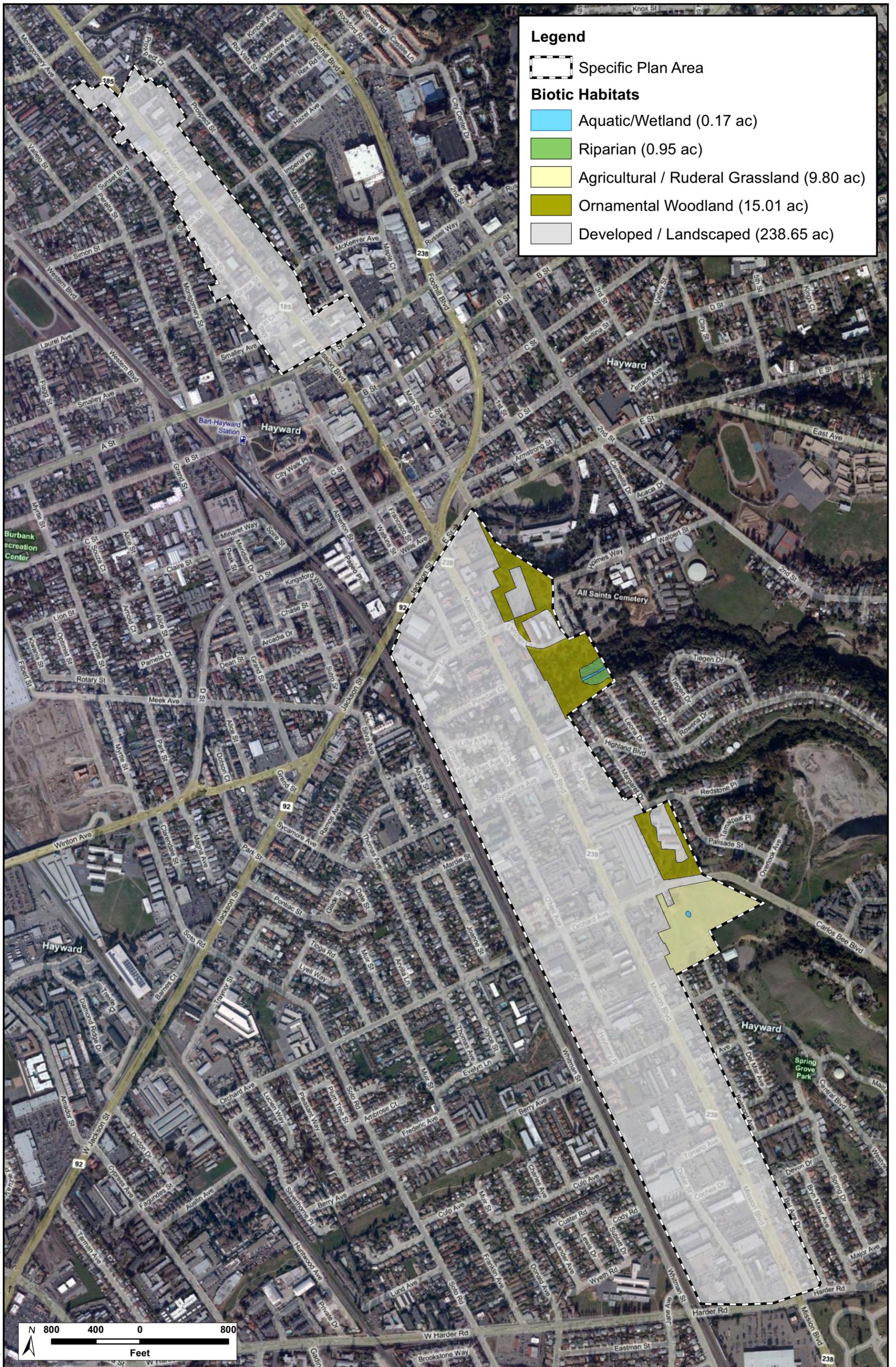
Table 1. Biotic Habitat/Land Use Acreages within the Project Area.

Biotic Habitat/Land Use	Total Area (ac)
Developed/landscaped	238.65
Agricultural/ruderal grassland	9.80
Ornamental woodland	15.01
Riparian/aquatic/wetland	1.12 (0.95 riparian, 0.017 aquatic/wetland)
Total	264.6

Developed/Landscaped

Vegetation. The majority of the Project Area is developed or landscaped. This land use type is comprised of hardscaped roads, buildings, residential homes, parking lots, ornamental and landscaped areas (typically irrigated and with a mulch base), and irrigated turf. The habitat suitability for rare or native vegetation in these areas is very low, and most areas mapped as developed/landscaped are under altered hydrologic regimes, being either dewatered by hardscape or irrigated to support landscaping. The few naturally occurring plants are typical lawn and sidewalk weeds, such as English daisy (*Bellis perennis*), smooth cat's ear (*Hypochaeris glabra*), and yellow sorrel (*Oxalis corniculata*). All developed portions of the Project Area appear to be purposefully and continually maintained, or otherwise are permanently impacted by hardscape and structures.

Wildlife. Developed habitats primarily support common, urban-adapted wildlife species, and overall wildlife abundance and diversity are low. Likewise, landscaped habitats are used sparingly by most wildlife species, largely because of the uniform, open nature of most landscaping and the regular disturbance that occurs due to landscape maintenance and use. However, animals living in adjacent habitats and migratory birds often exploit foraging opportunities offered by landscaped habitats, and dense shrub and tree landscape components may offer sufficient cover for nesting birds and mammals. Common butterflies, such as cabbage whites (*Pieris rapae*) and painted ladies (*Vanessa cardui*), as well as honeybees (*Apis mellifera*) and other common invertebrate species, are expected to use flowering landscape plants for foraging.



Black phoebes (*Sayornis nigricans*) and house finches (*Carpodacus mexicanus*), which were observed during the reconnaissance survey, nest on buildings or other structures on or near the Project Area, and white-crowned and golden-crowned sparrows (*Zonotrichia leucophrys* and *Z. atricapilla* respectively) forage and shelter in landscape shrubbery in the Project Area. Hummingbirds, including Anna's hummingbirds (*Calypte anna*) and Allen's hummingbirds (*Selasphorus sasin*), forage in areas where the landscaping includes flowering plants. The profusion of trees incorporated into the landscaping in the Mission Boulevard area host a variety of foraging songbirds throughout the year, and common species such as dark-eyed juncos (*Junco hyemalis*), northern mockingbirds (*Mimus polyglottos*), and American robins (*Turdus migratorius*) nest in landscape shrubs and trees in the Project Area.

Small, non-native mammals, such as house mice (*Mus musculus*), eastern gray squirrels (*Sciurus carolinensis*), and eastern fox squirrels (*Sciurus niger*), forage in shrubs and trees in the landscaped portions of the Project Area, and invasive Norway rats (*Rattus norvegicus*) inhabit landscaped areas as well as storage and garbage facilities, at least in small numbers. Feral cats (*Felis catus*), which were observed in the Project Area, may shelter in or under buildings and in landscape shrubs. Urban-adapted native mammals, such as raccoons (*Procyon lotor*) and striped skunks (*Mephitis mephitis*), occur in this land use type as well.

Agricultural/Ruderal Grassland

Vegetation. Agricultural and ruderal grassland habitat is primarily found on a hillside lot in the eastern portion of the Project Area south of Carlos Bee Boulevard and east of Mission Boulevard. The majority of the lot is, or has been, under cultivation, with a portion at the top of the slope appearing to have been disked as recently as 2010. Only a few species, such as bristly ox-tongue (*Picris echioides*), wild oats (*Avena fatua*), and musk thistle (*Carduus nutans*), are established in the recently disked portion of the field. Further down slope and surrounding the recently disked area, ruderal vegetation is taller and denser. Here it is dominated by wild oats and many non-native weedy herbaceous species, such as prickly lettuce (*Lactuca serriola*), field bindweed (*Convolvulus arvensis*), and chicory (*Cichorium intybus*). A few well-spaced small trees and shrubs, such as coyote brush (*Baccharis pilularis*) and coast live oak (*Quercus agrifolia*), occur within and along the perimeter of the lot. A freshwater seep that occurs halfway down the slope is discussed in the riparian/aquatic/wetland section below.

Wildlife. The ruderal grassland habitat in the Project Area hosts a variety of common invertebrates, which in turn provide food for widespread reptiles, such as western fence lizards (*Sceloporus occidentalis*), and birds, including the western scrub-jay (*Aphelocoma californica*) and northern mockingbird. Although other grassland-associated birds, such as white-tailed kites (*Elanus leucurus*), American kestrels (*Falco sparverius*), and loggerhead shrikes (*Lanius ludovicianus*), may occur in the Project vicinity and forage in the Project Area on occasion, the patch of agricultural/ruderal grassland habitat within the Project Area is too small to support more than a single nesting pair of each of these species. Small mammals and mesocarnivores, including house mice, striped skunks, and raccoons, may also forage in the agricultural/ruderal grassland, and valley pocket gopher (*Thomomys bottae*) burrows were observed in this habitat during the reconnaissance survey.

Ornamental Woodland

Vegetation. Ornamental woodland is present in Hayward Memorial Park east of Mission Boulevard and adjacent to Fletcher Lane. The majority of trees present in this habitat are large, well-established native and ornamental varieties, such as pine (*Pinus* sp.), sycamore (*Platanus* sp.), coast live oak, and eucalyptus (*Eucalyptus* sp.). Understory vegetation in Hayward Memorial Park is primarily landscaped turf and ornamental plantings, with few naturally occurring species present, although some remnant trees from the native landscape have been preserved.

Ornamental woodland also occurs between Carlos Bee Boulevard and Palisade Street, and surrounding a parking lot between Fletcher Lane and Mission Boulevard. Trees here are primarily intentionally planted or volunteer species, such as eucalyptus, cottonwood (*Populus* sp.), and Atlantic cedar (*Chamaecyparis thyoides*). Understory vegetation is composed mainly of non-native grasses and herbs and is similar to that described for agricultural/ruderal grassland above.

Wildlife. Ornamental woodlands in the Project Area are host to an array of common invertebrate species. In addition, the trees and shrubs provide suitable nesting habitat for common birds, such as American robins, California towhees (*Pipilo crissalis*), and dark-eyed juncos. The trees also provide habitat for the larger common raptors, such as red-tailed hawks (*Buteo jamaicensis*) red-shouldered hawks (*Buteo lineatus*), and great horned owls (*Bubo virginianus*). A red-shouldered hawk was observed perched in a eucalyptus tree during the reconnaissance surveys and a large raptor stick nest was observed in another eucalyptus tree within the park boundaries. Due to the territorial nature of the common raptors identified above, no more than one nest of one of these species would be expected to occur here. The trees could also be used as roost sites by small numbers of common roosting bats, such as the California myotis (*Myotis californicus*). Other mammals, including house mice, striped skunks, and raccoons, also forage in this area.

Riparian/Aquatic/Wetland

Vegetation. The 1.12 ac of aquatic, riparian, and wetland habitat within the Project Area is located within and along the active channel of Ward Creek. The aquatic habitat in Ward Creek is composed of a 15-ft wide channel (the banks of which are concrete lined along a portion of the reach within the Project Area) that flows for approximately 250 ft through the Project Area and then enters an underground, engineered channel in Hayward Memorial Park. From here, it eventually flows into the San Francisco Bay via Alameda Creek. At the time of the reconnaissance survey, water in the creek was clear and approximately 6 inches deep. The channel substrate is composed of small to medium sized cobbles.

The riparian corridor lining the steep banks of Ward Creek is composed of a variety of typical native riparian and ornamental species. These include species such as California bay (*Umbellularia californica*), California sycamore (*Platanus racemosa*), pine, and buckeye (*Aesculus californica*). Beneath the riparian canopy, a thick layer of non-native English ivy (*Hedera helix*) has become naturalized. Additional herbaceous species present include non-native Himalayan blackberry (*Rubus ursinus*) and hedge parsley (*Torilis arvensis*) and native

species such as stinging nettle (*Urtica dioica*) and common knotweed (*Polygonum lapathifolium*).

A small freshwater seep is present in the agricultural/ruderal grassland field east of Mission Boulevard and south of Carlos Bee Boulevard. Additional wetland features may also be present in and around this parcel that were not identifiable during the late summer reconnaissance surveys (e.g., in the southwest corner of the field where a few scattered patches of giant reed [*Arundo donax*] are present). Wetland vegetation at the seep is composed of saltgrass (*Distichlis spicata*), mint (*Mentha* sp.), and cheeseweed (*Malva parviflora*).

Wildlife. Riparian habitats in California generally support exceptionally rich animal communities and contribute a disproportionately high amount to landscape-level species diversity. The presence of year-round water and abundant invertebrate fauna provide foraging opportunities for many species, and the diverse habitat structure provides cover and nesting opportunities. The moderately disturbed nature of the riparian habitat in the Project Area somewhat limits its value to wildlife. Nonetheless, it provides important habitat for many wildlife species in the region.

Riparian habitat provides suitable foraging and breeding areas for several functional groups of birds including insectivores (e.g., warblers, flycatchers), seedeaters (e.g., finches), raptors, and cavity-nesters (e.g., swallows and woodpeckers) in addition to a variety of common amphibians, reptiles, and mammals. Among the numerous species of birds that likely use the riparian habitat within the Project Area for breeding are the Bewick's wren (*Thryomanes bewickii*), oak titmouse (*Baeolophus inornatus*), black phoebe, and Anna's hummingbird. Raptors, such as red-shouldered hawks and Cooper's hawks (*Accipiter cooperii*), may nest within the riparian corridor and forage in adjacent habitats. Riparian habitats are also used heavily by migrants and wintering birds.

Several species of reptiles and amphibians occur in riparian corridors. Leaf litter, downed tree branches, and fallen logs provide cover for the arboreal salamander (*Aneides lugubris*), western toad (*Anaxyrus boreas*), and Pacific chorus frog (*Pseudacris regilla*). Several lizards may also occur here, including the western fence lizard, western skink (*Eumeces skiltonianus*), and southern alligator lizard (*Elgaria multicarinata*). Small mammals such as the ornate shrew (*Sorex ornatus*), California vole (*Microtus californicus*), and Audubon's cottontail (*Sylvilagus audubonii*) use these riparian habitats, and the raccoon, striped skunk, and non-native opossum (*Didelphis virginianus*) are also common, urban-adapted species present in riparian habitat. Non-native species, such as the opossum, eastern fox squirrel, Norway rat, and feral cat, may harass, compete with, or depredate eggs and young of native birds and small mammals, reducing the habitat quality for native riparian wildlife species.

REGULATORY SETTING

Biological resources within the Project Area are regulated by a number of federal, state, and local laws and ordinances, as described below.

FEDERAL

Clean Water Act

Areas meeting the regulatory definition of “waters of the U.S.” (jurisdictional waters) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE) under provisions of Section 404 of the 1972 Clean Water Act (Federal Water Pollution Control Act) and Section 10 of the 1899 Rivers and Harbors Act (described below). These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as “waters of the U.S.,” tributaries of waters otherwise defined as “waters of the U. S.,” the territorial seas, and wetlands (termed Special Aquatic Sites) adjacent to “waters of the U.S.” (33 CFR, Part 328, Section 328.3). Wetlands on non-agricultural lands are identified using the *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987).

Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (33 CFR, Part 328).

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. The State Water Resources Control Board (SWRCB) is the state agency (together with the Regional Water Quality Control Boards [RWQCBs]) charged with implementing water quality certification in California.

Project Applicability. Any work within areas defined as waters of the U.S. (i.e., wetlands and other waters), may require a Section 404 fill discharge permit from the USACE and Section 401 Water Quality Certification from the RWQCB. The bed and banks of Ward Creek up to the ordinary high water mark, the underground culverted channels, and the wetland seep in the agricultural/ruderal grassland south of Carlos Bee Boulevard and Mission Boulevard would likely be jurisdictional, as well as other wetland features that may not have been identified during the late summer reconnaissance surveys. A jurisdictional wetland delineation to determine the precise locations and boundaries of USACE jurisdiction has not been performed for the Project, but will be necessary before implementation of any Project-related activities that might impact these features.

Porter-Cologne Water Quality Control Act

The RWQCB is responsible for protecting surface, ground, and coastal waters within its boundaries, pursuant to the Porter-Cologne Water Quality Control Act of the California Water Code. The RWQCB has jurisdiction under Section 401 of the Clean Water Act for activities that could result in a discharge of dredged or fill material to a water body. Federal authority is exercised whenever a proposed project requires a Clean Water Act Section 404 permit from the USACE in the form of a Section 401 Water Quality Certification. State authority is exercised when a proposed project is not subject to federal authority, in the form of a Notice of Coverage, Waiver of Waste Discharge Requirements. Many wetlands fall into RWQCB jurisdiction, including some wetlands and waters that are not subject to USACE jurisdiction. RWQCB jurisdiction of other waters, such as streams and lakes, extends to all areas below the ordinary high water mark.

The RWQCB has no formal technical manual or expanded regulations to help in identifying their jurisdiction. The only guidance can be found in Porter-Cologne Water Quality Control Act, Chapter 2 (Definitions), which states, “‘waters of the State’ means any surface water or ground water, including saline waters, within the boundaries of the state.”

Under the Porter-Cologne Water Quality Control Act, the SWRCB and the nine regional boards also have the responsibility of granting Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits and waste discharge requirements for certain point-source and non-point discharges to waters. These regulations limit impacts to aquatic and riparian habitats from a variety of urban sources.

Project Applicability. As stated above, any Project activities that impact waters of the U.S./State will require 401 Certification and/or a Waste Discharge Requirement from the RWQCB. In the Project Area, these include the same boundaries of aquatic and wetland habitats as described above for areas subject to jurisdiction under the Clean Water Act.

Federal Endangered Species Act

The federal Endangered Species Act (FESA) protects listed wildlife species from harm or “take” which is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. Take can also include habitat modification or degradation that directly results in death or injury of a listed wildlife species. An activity can be defined as “take” even if it is unintentional or accidental. Listed plant species are provided less protection than listed wildlife species. Listed plant species are legally protected from take under the FESA only if they occur on federal lands or if the project requires a federal action, such as a Clean Water Act Section 404 fill permit from the USACE.

The U. S. Fish and Wildlife Service (USFWS) has jurisdiction over federally listed threatened and endangered wildlife species under the FESA, while the National Marine Fisheries Service (NMFS) has jurisdiction over federally listed, threatened and endangered, marine and anadromous fish.

Project Applicability. No federally listed animal species are expected to occur in the Project Area. Santa Cruz tarplant (*Holocarpus macradenia*) (described in detail below, under *Special-Status Plants*), a federally threatened plant species, could potentially occur in the agricultural/ruderal grassland habitat within the Project Area.

Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA; 16 U.S.C., §703, Supp. I, 1989) prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The trustee agency that addresses issues related to the MBTA is the USFWS. Migratory birds protected under this law include almost all native birds and certain game birds (USFWS 2005). This act encompasses whole birds, parts of birds, and bird nests and eggs. The MBTA protects active nests from destruction and all nests of species protected by the MBTA, whether active or not, cannot be possessed. An active nest under the MBTA, as described by the Department of the Interior in its 16 April 2003 Migratory Bird Permit Memorandum, is one having eggs or young. Nest starts, prior to egg laying, are not protected from destruction.

Project Applicability. Almost all native bird species occurring in the Project Area are protected by the MBTA.

STATE

California Endangered Species Act

The California Endangered Species Act (CESA, Fish and Game Code of California, Chapter 1.5, Sections 2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with the CESA, the CDFG has jurisdiction over state listed species. The CDFG regulates activities that may result in “take” of individuals listed under the Act (i.e., “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”). Habitat degradation or modification is not expressly included in the definition of “take” under the Fish and Game Code. The CDFG, however, has interpreted “take” to include the “killing of a member of a species which is the proximate result of habitat modification.”

Project Applicability. No state listed animal species are expected to occur within the Project Area. Santa Cruz tarplant (described in detail below), a state endangered plant species, could potentially occur in the agricultural/ruderal grassland habitat within the Project Area.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) is a state law that requires state and local agencies, such as the SCVWD, to document and consider the environmental implications of their actions and to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. CEQA requires the full disclosure of the environmental effects of agency actions, such as approval of a general plan update or the projects covered by that plan, on resources such as air

quality, water quality, cultural resources, and biological resources. The State Resources Agency promulgated guidelines for implementing CEQA known as the State CEQA Guidelines.

Section 15380(b) of the CEQA Guidelines provides that a species not listed on the federal or state lists of protected species may be considered rare if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definitions in the FESA and the CESA and the section of the California Fish and Game Code dealing with rare or endangered plants or animals. This section was included in the guidelines primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on a species that has not yet been listed by either the USFWS or CDFG or species that are locally or regionally rare.

The CDFG has produced three lists (amphibians and reptiles, birds, and mammals) of “species of special concern” that serve as “watch lists”. Species on these lists are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their populations should be monitored. They may receive special attention during environmental review as potential rare species, but do not have specific statutory protection. All potentially rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA § 15380(b).

The CNPS, a non-governmental conservation organization, has developed lists of plant species of concern in California. Vascular plants included on these lists are defined as follows:

- List 1A Plants considered extinct
- List 1B Plants rare, threatened, or endangered in California and elsewhere
- List 2 Plants rare, threatened, or endangered in California but more common elsewhere
- List 3 Plants about which more information is needed - review list
- List 4 Plants of limited distribution-watch list.

These CNPS listings are further described by the following threat code extensions:

- .1—seriously endangered in California
- .2—fairly endangered in California
- .3—not very endangered in California.

Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing on List 1B or List 2 are, in general, considered to meet the CEQA’s Section 15380 criteria, and adverse effects to these species may be considered significant. Impacts to plants that are listed by the CNPS on List 3 or 4 are also considered during CEQA review, although because these species are typically not as rare as those on List 1B or List 2, impacts to them are less frequently considered significant.

Project Applicability. All impacts to biological resources will be considered during CEQA review of the Project in the context of this EIR.

California Fish and Game Code

The California Fish and Game Code includes regulations governing the use of, or impacts to, many of the state's fish, wildlife, and sensitive habitats. The CDFG exerts jurisdiction over the bed and banks of rivers, lakes, and streams according to provisions of §§1601–1603 of the Fish and Game Code. The Fish and Game Code requires a Streambed Alteration Agreement for the fill or removal of material within the bed and banks of a watercourse or waterbody and for the removal of riparian vegetation.

Certain sections of the Fish and Game Code describe regulations pertaining to certain wildlife species. For example, Fish and Game Code §§3503, 2513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFG. Raptors (i.e., eagles, falcons, hawks, and owls) and their nests are specifically protected in California under Fish and Game Code §3503.5. Section 3503.5 states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Non-game mammals are protected by Fish and Game Code §4150, and other sections of the Code protect other taxa.

Project Applicability. All native bird and mammal species that occur in the Project Area are protected by the California Fish and Game Code. The bed and banks of Ward Creek and associated riparian habitat as well as any onsite wetland habitat are protected by this code. A Streambed Alteration Agreement would be required before implementation of Project related activities in these habitats.

REGIONAL

City of Hayward Tree Preservation Ordinance

The City of Hayward Tree Preservation Ordinance (Article 15) was adopted to protect and preserve native or non-native trees of a significant size or quality that have a positive contribution to the cities' environment. The Ordinance applies to all existing Industrial, Commercial, and Multi-family development, and to new development, under-developed properties, or undeveloped properties. Trees are considered protected if they have a minimum trunk diameter of 8 inches (measured 54 inches above the ground), are street trees, memorial or specimen trees, or native trees from the list below with a minimum trunk diameter of 4 inches, or a tree planted as a replacement to a protected tree. Significant and protected trees require a permit for removal, relocation, cutting, or reshaping.

Native trees protected by the City of Hayward Tree Preservation Ordinance:

- Big leaf maple (*Acer macrophyllum*)

- California buckeye
- Madrone (*Arbutus menziesii*)
- Western dogwood (*Cornus nuttallii*)
- California sycamore
- Coast live oak
- Canyon live oak (*Quercus chrysolepis*)
- Blue oak (*Quercus douglasii*)
- Oregon white oak (*Quercus garryana*)
- California black oak (*Quercus kelloggii*)
- Valley oak (*Quercus lobata*)
- Interior live oak (*Quercus wislizenii*)
- California bay

In addition to Article 15, and pursuant to SEC. 7-2.50, and 7-2.58 of the City of Hayward Municipal Code, it is unlawful for any person to cut, prune, remove, injure, or interfere with any tree, shrub, plant, tree stake, or tree guard in any public street or other public place. Prior permission and approval from the Landscape Maintenance Manager is required, and is valid for only 30 days after issuance. Trees or shrubs that are authorized for removal must be replaced by the permittee with a tree or shrub that conforms to the “Official Street Tree List” and that the Landscape Maintenance Manager designates in the permit for approval.

Project Applicability. All trees within the Project Area that fit the above description are protected under the City of Hayward Tree Preservation Ordinance. A permit from the City Manager would be required if the Project would affect any protected trees. In addition, Project related effects to street trees and plants would require permission and approval from the City Landscape Maintenance Manager and trees or shrubs that would be removed, would need to be replaced with a tree or shrub that conforms to the “Official Street Tree List”.

SPECIAL-STATUS SPECIES AND SENSITIVE HABITATS

CEQA requires assessment of the effects of a project on species that are “threatened, rare, or endangered”; such species are typically described as “special-status species”. For the purpose of environmental review of this Project, special-status species have been defined as described below. Impacts to these species are regulated by some of the federal, state, and local laws and ordinances described under “Regulatory Setting” above.

For purposes of this analysis, “special-status” plants are considered plant species that are:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species
- Listed under CESA as threatened, endangered, rare, or a candidate species
- Listed by the CNPS as rare or endangered on Lists 1A, 1B, 2, 3, or 4.

For purposes of this analysis, “special-status” animals are considered animal species that are:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species
- Listed under CESA as threatened, endangered, or a candidate threatened or endangered species
- Designated by the CDFG as a California species of special concern
- Listed in the California Fish and Game Code as a fully protected species (birds at §3511, mammals at §4700, reptiles and amphibians at §5050, and fish at §5515).

Figures 3 and 4 depict CNDDDB-mapped special-status animal and plant species records, respectively, in the general vicinity of the study area, defined for the purposes of this report as the area within a 5-mi radius of the Project Area. These generalized maps are valuable on a historical basis, and show areas where special-status species are known to occur or are known to have occurred previously.

SPECIAL-STATUS PLANT SPECIES

Information concerning threatened, endangered, or other special-status species that may occur in the Project Area was collected from several sources and reviewed by H. T. Harvey & Associates biologists. These sources include the CNDDDB (2011), the *Online Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2011), *The Jepson Manual, Higher Plants of California* (Hickman 1993), *Calflora* (2011), the Consortium of California Herbaria (2011), *Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties* (CNPS 2010), and other information available through the USFWS, CDFG, and technical publications. The specific habitat requirements and the locations of known occurrences of each special-status species were the principal criteria used for inclusion in the list of species potentially occurring on the site.

We conducted a search of CNDDDB Rarefind published accounts (CNDDDB 2011) for all special-status species within the *Hayward, California* USGS 7.5-minute topographic quadrangle and the eight surrounding quadrangles (*Dublin, Diablo, Las Trampas Ridge, Oakland East, San Leandro, Redwood Point, Newark, and Niles*). For plants, we reviewed all species on current CNPS Lists 1A, 1B, 2, or 3 occurring in any of the nine quadrangles listed above. We also considered the list for Alameda County, as the CNPS does not maintain quadrangle-level records on List 4 species.

The CNPS identifies 74 special-status plant species as currently or historically occurring in at least one of the nine quadrangles containing or surrounding the Project Area or, for List 4 species, in Alameda County. For 67 of these special-status plants it was determined that preferred habitat types for the species are absent from the Project Area for one or more of the following reasons: 1) the Project Area is outside the known elevational range for the species, 2) the site lacks the specific edaphic requirements of the species in question, or 3) species' specific habitat requirements are not present in the Project Area. Thus, these species were determined to be absent from the Project Area. Appendix A lists these plants along with the basis for the determination. The remaining seven plants were further analyzed for their potential to occur in the Project Area. The results of this analysis are discussed below and summarized in Table 2.

Federal or State Endangered or Threatened Species

Santa Cruz tarplant (*Holocarpha macradenia*). **Federal Listing Status: Threatened; State Listing Status: Endangered; CNPS List: 1B.1.** Santa Cruz tarplant is found on grassy coastal terraces at elevations ranging from 33 to 726 ft (CNPS 2011, Hickman 1993). Suitable habitats include coastal prairie, coastal scrub, and valley and foothill grasslands. It has a late summer-fall blooming period, with potential to bloom from June to October. This species often occurs on moderately disturbed, sandy or clay soils (CNPS 2011). However, specific microhabitat preferences for this plant are not well known and some populations described in the CNDDDB occur on loamy soils (CNDDDB 2011). The species also depends on appropriate ecological disturbance for persistence, which may be lacking from many areas. Santa Cruz tarplant is severely threatened by urbanization, agriculture, and non-native plants.

Santa Cruz tarplant, which is now known from only 15 occurrences, has a highly endemic range in the Santa Cruz Mountains and coastal terraces of the Bay Area. This species was documented by the CNDDDB as occurring in Alameda County in 1915, within 0.5 mi of the Project Area. It is thought that the last remaining known Bay Area population was extirpated by development in 1993 (CNPS 2011). The only remaining extant native occurrences documented are known from Santa Cruz and Monterey counties.

Although the probability of occurrence of this species within the Project Area is small, its presence cannot be entirely ruled out based on existing information. The historical occurrence of Santa Cruz tarplant close to the Project Area, the presence of one of the species' preferred habitat types on site (i.e., agricultural/ruderal grassland, portions of ornamental woodland), and the relatively close proximity of the Project Area to expansive natural lands situated to the east, all make it difficult to assume absence without additional survey effort. The species was not observed during the reconnaissance survey in September 2010; however, protocol-level floristic surveys were not conducted.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Federal or State Endangered, Threatened, or Candidate Species			
Santa Cruz tarplant (<i>Holocarpha macradenia</i>)	FT, SE	Clay or sandy soils in coastal prairie, coastal scrub, valley and foothill grassland.	May be Present. Santa Cruz tarplant is thought to be extirpated from Alameda County. However, habitat conditions are considered suitable for the species within the agricultural/ruderal grassland and ornamental woodland habitats in the Project Area, with the exception of the ornamental woodlands located in Hayward Memorial Park.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE	Grass or mud-bottomed swales in grasslands on old alluvial soils underlain by hardpan.	Absent. Vernal pool habitat is not present within the Project Area.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT	Vernal pools, swales, and ephemeral freshwater habitats. None are known to occur in riverine waters or marine waters.	Absent. Vernal pool habitat is not present within the Project Area.
Longhorn fairy shrimp (<i>Branchinecta longiantenna</i>)	FE	Vernal pools with clear to turbid water in grass-bottomed pools and clear-water sandstone depression pools.	Absent. Vernal pool habitat is not present within the Project Area.
Bay checkerspot butterfly (<i>Euphydryas editha bayensis</i>)	FT	Serpentine grasslands with <i>Plantago erecta</i> and/or <i>Castilleja</i> spp.	Absent. Host plants are not present; Project Area is outside of the species' current known range.
Callippe silver spot butterfly (<i>Speyeria callippe callippe</i>)	FE	Grasslands; closely associated with <i>Viola pedunculata</i> .	Absent. Project Area is outside the species' known range.
Green sturgeon (<i>Acipenser medirostris</i>)	FT, CSSC	Spawns in large river systems such as the Sacramento River; forages in nearshore oceanic waters, bays, and estuaries.	Absent. Suitable aquatic habitat is not present within the Project Area.
Tidewater goby (<i>Eucyclogobius newberryi</i>)	FE, CSSC	Brackish water habitats along coast, fairly still but not stagnant water and high oxygen levels.	Absent. Suitable aquatic habitat is not present within the Project Area.
Central California coast coho salmon (<i>Oncorhynchus kisutch</i>)	FE, SE	Open ocean, estuaries, and rivers.	Absent. Suitable aquatic habitat is not present within the Project Area.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Central Valley spring-run Chinook salmon (<i>Oncorhynchus mykiss</i>)	FT, ST	Spawn and rear in main-stem Sacramento River and suitable perennial tributaries. Require cool year-round water temperatures and deep pools for over-summering habitat. Spawn in riffles with gravel and cobble substrate.	Absent. Suitable aquatic habitat is not present within the Project Area.
Winter-run Chinook salmon, Sacramento River (<i>Oncorhynchus tshawytscha</i>)	SE, FE	Cool streams that reach the ocean and that have shallow, partly shaded pools and clear-water sandstone depression pools.	Absent. Suitable aquatic habitat is not present within the Project Area.
California red-legged frog (<i>Rana draytonii</i>)	FT, CSSC	Streams, freshwater pools, and ponds with emergent or overhanging vegetation.	Absent. No suitable aquatic habitat is present in or adjacent to the Project Area, and there is no habitat connectivity with known populations as the area surrounding the Project is highly urbanized.
California tiger salamander (<i>Ambystoma californiense</i>)	FT, SC, CSSC	Vernal or temporary pools in annual grasslands or open woodlands.	Absent. No suitable freshwater aquatic breeding habitat. Marginal upland habitat in the Project Area is isolated from more suitable upland and breeding habitats, and from the nearest known breeding population.
Alameda whipsnake (<i>Masticophis lateralis euryxanthus</i>)	FT, ST	Primarily associated with scrub and chaparral. Also may occur in any inner Coast Range plant community.	Absent. Suitable habitat is not present within the Project Area.
California brown pelican (<i>Pelecanus occidentalis californicus</i>)	FE, SP (nesting colony and communal roosts)	Undisturbed islands near estuarine, marine, subtidal, and marine pelagic waters.	Absent. Suitable aquatic habitat is not present within or adjacent to the Project Area.
California clapper rail (<i>Rallus longirostris obsoletus</i>)	FE, SE, SP	Coastal salt and brackish marshes and tidal sloughs.	Absent. Neither marsh habitat nor tidal sloughs are present within or adjacent to the Project Area.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	ST, SP	Coastal and inland marsh habitat.	Absent. Marsh habitat is not present within the Project Area.
California least tern (<i>Sterna antillarum browni</i>)	FE, SE, SP	Nest on sandy beaches usually associated with river mouths or estuaries.	Absent. Suitable aquatic habitat is not present within or adjacent to the Project Area.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Bald eagle (<i>Haliaeetus leucocephalus</i>)	SE, SP	Requires large bodies of water, or free-flowing rivers with abundant fish and adjacent snags and large trees for perching and nesting.	Absent. Suitable aquatic foraging habitat is not present within or adjacent to the Project Area.
Willow flycatcher (<i>Empidonax traillii</i>)	SE (nesting)	Breeds locally in riparian habitats in mountains and southern deserts.	Absent. Migrants occurring in the Project Area are likely from breeding populations outside the state, and thus would not be individuals from the state listed California population or the federally listed subspecies <i>extimus</i> that resides in riparian habitat of southern California (Unitt 1987).
Bank swallow (<i>Riparia riparia</i>)	ST (nesting)	Colonial nester on vertical banks or cliffs with fine-textured soils near water.	Absent. Suitable banks or cliffs for nesting are not present within the Project Area.
Salt marsh harvest mouse (<i>Reithrodontomys raviventris</i>)	FE, SE	Tidal and non-tidal salt marshes dominated by pickleweed, surrounding the Suisun, San Pablo, and San Francisco Bay.	Absent. Salt marsh habitat is not present within the Project Area.
San Joaquin kit fox (<i>Vulpes macrotis mutica</i>)	FE, ST	Flat or gently sloping grasslands, mostly on the margins of the San Joaquin Valley and adjacent valleys.	Absent. Suitable habitat is not present in the Project Area, and the species has not been recorded in the Project vicinity (CNDDDB 2011).
Species of Special Concern			
Foothill yellow-legged frog (<i>Rana boylei</i>)	CSSC	Partially shaded shallow streams and riffles with a rocky substrate. Occurs in a variety of habitats in coast ranges.	Absent. Channelization and the presence of introduced predators have reduced habitat suitability on the valley floor, and there are no recent records within the Project vicinity (CNDDDB 2011).
Western spadefoot (<i>Scaphiopus hammondi</i>)	CSSC	Grasslands and occasionally valley-foothill hardwood woodlands; vernal pools or similar ephemeral pools required for breeding.	Absent. Vernal pools and other seasonal wetlands are not present within the Project Area.
Western pond turtle (<i>Actinemys marmorata</i>)	CSSC	Slow water aquatic habitat with available basking sites. Hatchlings require shallow water with dense submergent or short emergent vegetation. Require an upland oviposition site in the vicinity of the aquatic site.	May be present. The species has not been recorded in the Project vicinity (CNDDDB 2011); however, aquatic and riparian habitats present in the Project Area provide marginally suitable habitat.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
California horned lizard (<i>Phrynosoma coronatum frontale</i>)	CSSC	Open habitats with sandy, loosely textured soils, such as chaparral, coastal scrub, annual grassland, and clearings in riparian woodlands where native harvester ants (<i>Pogonomyrmex barbatus</i>) are present.	Absent. Open habitats with sandy soil are not present in the Project Area.
Silvery legless lizard (<i>Anniella pulchra pulchra</i>)	CSSC	Areas with sandy or loose loamy soils under the sparse vegetation of beaches, chaparral, or pine-oak woodland; or sycamores, cottonwoods, or oaks that grow on stream terraces.	Absent. Project Area is not within the species' known range.
San Joaquin whipsnake (<i>Masticophis flagellum ruddocki</i>)	CSSC	Open, dry vegetative associations with little or no tree cover. Uses small mammal burrows for refuge.	Absent. Project Area is not within the species' known range.
Redhead (<i>Aythya americana</i>)	CSSC (nesting)	Nests in freshwater marshes, winters in coastal marine habitats.	Absent. Suitable aquatic habitat is not present in the Project Area.
Barrow's goldeneye (<i>Bucephala islandica</i>)	CSSC (nesting)	Nests in freshwater marshes, winters in coastal marine habitats.	Absent. Suitable aquatic habitat is not present in the Project Area.
Common loon (<i>Gavia immer</i>)	CSSC (nesting)	Nests in freshwater marshes, winters in coastal marine habitats.	Absent. Suitable aquatic habitat is not present in the Project Area.
American white pelican (<i>Pelecanus erythrorhynchos</i>)	CSSC (nesting)	Forages on fish found in freshwater lakes and rivers, nests on islands in lakes.	Absent. Suitable aquatic habitat is not present in the Project Area.
Black tern (<i>Chlidonias niger</i>)	CSSC (nesting)	Nests in freshwater marshes, forages over marshes, ponds, lakes, and moist meadows.	Absent. Suitable aquatic habitat is not present in the Project Area.
Black skimmer (<i>Rynchops niger</i>)	CSSC (nesting)	Nests on abandoned levees and islands in saline managed ponds and marshes.	Absent. Suitable aquatic habitat is not present in the Project Area.
Northern harrier (<i>Circus cyaneus</i>)	CSSC (nesting)	Nests in marshes and moist fields, forages over open areas.	Absent as breeder. Suitable nesting habitat is not present within or immediately adjacent to the Project boundary; however, non-breeders may occasionally forage in agricultural/ruderal grassland habitat. This species is only a species of special concern while nesting.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Short-eared owl (<i>Asio flammeus</i>)	CSSC (nesting)	Nests on ground in tall emergent vegetation or grasses, forages over a variety of open habitats.	Absent. Suitable nesting habitat is not present in the Project Area and there are no records in the Project vicinity (CNDDDB 2011).
Long-eared owl (<i>Asio otus</i>)	CSSC (nesting)	Riparian bottomlands with tall, dense willows and cottonwood stands (also dense live oak and California bay along upland streams); forages primarily in adjacent open areas.	Absent. Suitable habitat is not present within or immediately adjacent to the Project Area.
Burrowing owl (<i>Athene cunicularia</i>)	CSSC	Open grasslands and ruderal habitats with suitable burrows, usually those made by California ground squirrels.	Absent. No suitable burrows were observed within the agricultural/ruderal grassland habitat in the Project Area and there are no known occurrences within or immediately adjacent to the Project Area.
Vaux's swift (<i>Chaetura vauxi</i>)	CSSC (nesting)	Nests in snags in coastal coniferous forests or, occasionally, in chimneys; forages aerially.	Absent as breeder. Species may forage in the Project Area during the post-breeding season, but no suitable nesting habitat is available. This species is only a species of special concern while nesting.
Olive-sided flycatcher (<i>Contopus cooperi</i>)	CSSC (nesting)	Breeds in mature forests with open canopies, along forest edges in more densely vegetated areas, in recently burned forest habitats, and in selectively harvested landscapes.	Absent as breeder. Densely vegetated nesting habitat is not present in the Project Area. Species may forage in the Project Area during the non-breeding season. This species is only a species of special concern while nesting.
Loggerhead shrike (<i>Lanius ludovicianus</i>)	CSSC (nesting)	Nests in tall shrubs and dense trees; forages in grasslands, marshes, and ruderal habitats.	May be present. Agricultural/ruderal grassland within the Project Area provides suitable nesting and foraging habitat for the species.
Purple martin (<i>Progne subis</i>)	CSSC (nesting)	Nest in abandoned woodpecker holes.	Absent. Project Area is not within the known range of this species.
San Francisco common yellowthroat (<i>Geothlypis trichas sinuosa</i>)	CSSC	Nests in herbaceous vegetation, usually in wetlands or moist floodplains.	Absent. Suitable habitat is not present in the Project Area.
Alameda song sparrow (<i>Melospiza melodia pusillula</i>)	CSSC	Nests in salt marsh, primarily in marsh gumpland and cordgrass along channels.	Absent. Salt marsh habitat is not present within the Project Area.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Yellow warbler (<i>Dendroica petechia</i>)	CSSC (nesting)	Nests in riparian woodlands.	Absent as breeder. Suitable riparian nesting habitat is not present in the Project Area. The species prefers riparian corridors with an overstory of mature cottonwoods and sycamores, a midstory of box elder and willow, and a substantial shrub understory (Bousman 2007), particularly in areas with more open space adjacent to the riparian habitat (rather than in heavily developed areas). An abundant migrant throughout the Project Area during the spring and fall. This species is only a species of special concern while nesting.
Grasshopper sparrow (<i>Ammodramus savannarum</i>)	CSSC (nesting)	Breeds and forages in grasslands, meadows, fallow fields, and pastures.	Absent. Not expected to occur in the agricultural/ruderal grassland in the Project Area due to the height and density of non-native plant species.
Bryant's savannah sparrow (<i>Passerculus sandwichensis alaudinus</i>)	CSSC	Nests in pickleweed dominant salt marsh and adjacent ruderal habitat.	Absent. Salt marsh habitat is not present within or immediately adjacent to the Project Area.
Tricolored blackbird (<i>Agelaius tricolor</i>)	CSSC (nesting colony)	Nests near fresh water in dense emergent vegetation.	Absent. Marsh habitat is not present in the Project Area.
Yellow-headed blackbird (<i>Xanthocephalus xanthocephalus</i>)	CSSC (nesting)	Nests in freshwater marshes.	Absent. Marsh habitat is not present in the Project Area.
San Francisco dusky-footed woodrat (<i>Neotoma fuscipes annectens</i>)	CSSC	Nests in a variety of habitats including riparian areas, oak woodlands, and scrub.	May be present. Species may be present in the riparian habitat in the Project Area.
Pallid bat (<i>Antrozous pallidus</i>)	CSSC	Forages over many habitats; roosts in caves, rock outcrops, buildings, and hollow trees.	May be present. Large trees with cavities and old buildings may provide suitable habitat in the Project Area. CNDDDB records (2011) include one occurrence of the species adjacent to the Project Area and a second occurrence less than 3 mi to the south.
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	CSSC	Roosts in caves and mine tunnels, and occasionally in deep crevices in trees such as redwoods or in abandoned buildings, in a variety of habitats.	Absent. Suitable habitat is not present in the Project Area due to the high level of disturbance.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Western red bat (<i>Lasiurus blossevillii</i>)	CSSC	Roosts in foliage in forest or woodlands, especially in or near riparian habitat.	May be present. Occurs as an occasional migrant or winter resident, but does not breed within the Study Area. May roost in foliage in trees virtually anywhere in the Project Area.
American badger (<i>Taxidea taxus</i>)	CSSC	Burrows in grasslands and occasionally in infrequently disked agricultural areas.	Absent. The small area of grassland habitat in the Project area is disked for agricultural purposes and the site is surrounded by urban development, which precludes the dispersal of the species into the Project Area.
State Protected Species, CEQA Rare Species, and CNPS Species			
Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>)	CNPS 1B.2	Coastal bluff scrub, cismontane woodland, and valley and foothill grassland.	Absent: Habitat conditions are suitable within the agricultural/ruderal grassland and ornamental woodland habitats in the Project Area. However, all known occurrences of bent-flowered fiddleneck are from a geographically distinct area located at least 10 mi to the north. Species determined to be absent.
Alkali milk-vetch (<i>Astragalus tener</i> var. <i>tener</i>)	CNPS 1B.2	Playas, adobe clay soils in valley and foothill grassland, and alkaline vernal pools.	Absent. Soil and microhabitat requirements, such as vernal pools, are not present in the Project Area. Species determined to be absent.
Mt. Diablo fairy-lantern (<i>Calochortus pulchellus</i>)	CNPS 1B.1	Chaparral, cismontane woodland, riparian woodland, and valley and foothill grassland.	Absent. Preferred habitat types present; however, suitable microhabitat conditions do not exist in the Project Area and all known occurrences of the Mt. Diablo fairy-lantern are from a geographically distinct area at least several miles to the northeast. Species determined to be absent.
Johnny nip (<i>Castilleja ambigua</i> ssp. <i>ambigua</i>)	CNPS 4.2	Coastal bluff scrub, coastal prairie, coastal scrub, marshes and swamps, valley and foothill grassland, and the margins of vernal pools.	May be present: Habitat conditions are considered suitable for the species within the wetland seep in the agricultural/ruderal grassland field and riparian habitat.
Fragrant fritillary (<i>Fritillaria liliacea</i>)	CNPS 1B.2	Often on serpentine soils in cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland.	May be present: Habitat suitable in the agricultural/ruderal grassland and ornamental woodland communities in the Project Area, with the exception of the ornamental woodlands located in Hayward Memorial Park.

Table 2. Status and Potential Occurrence of Special-status Plant and Animal Species in the Project Area			
NAME	*STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Diablo helianthella (<i>Helianthella castanea</i>)	CNPS 1B.2	Broadleafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland.	May be present: Habitat suitable in the agricultural grassland field adjacent to Carlos Bee Boulevard and Mission Boulevard, and the riparian habitat associated with Ward Creek in Hayward Memorial Park.
Northern California black walnut (<i>Juglans hindsii</i>) groves (native occurrence)	CNPS 1B.1	Riparian forest and riparian woodland.	Absent: Habitat conditions are not suitable in the riparian community associated with Ward Creek in Hayward Memorial Park.
Golden eagle (<i>Aquila chrysaetos</i>)	SP	Breeds on cliffs or in large trees (rarely on electrical towers), forages in open areas.	Absent as breeder. Suitable nesting habitat is absent from the Project Area; however, the species could occasionally forage over the agricultural/ruderal grassland habitat.
White-tailed kite (<i>Elanus leucurus</i>)	SP	Nests in tall shrubs and trees, forages in grasslands, marshes, and ruderal habitats.	May be present. Agricultural/ruderal grassland habitat in the Project Area provides marginally suitable habitat for this species due to its limited size and degree of surrounding urbanization.
American peregrine falcon (<i>Falco peregrinus anatum</i>)	SP	Forages in many habitats; nests on cliffs and tall bridges and buildings.	Absent. Suitable nesting habitat is not present in the Project Area.
Ringtail (<i>Bassariscus astutus</i>)	SP	Cavities in rock outcrops and talus slopes, as well as hollows in trees, logs, and snags that occur in riparian habitats and dense woodlands, usually in close proximity to water.	Absent. Suitable dense riparian habitat with potential den sites is not present in the Project Area.

SPECIAL STATUS SPECIES CODE DESIGNATIONS

- FE = Federally listed Endangered
 FT = Federally listed Threatened
 FC = Federal Candidate. Sufficient biological information to support a proposal to list the species as Endangered or Threatened
 SE = State listed Endangered
 ST = State listed Threatened
 CSSC = California Species of Special Concern
 SP = State Protected Species
 CNPS 1B = Plants considered by CNPS to be rare, threatened, or endangered in California, and elsewhere.

CNPS-listed Species

Bent-flowered fiddleneck (*Amsinckia lunaris*). Federal Listing Status: None; State Listing Status: None; CNPS List: 1B.2. Bent-flowered fiddleneck is an annual herb in the borage family (Boraginaceae) that blooms from March to June. It inhabits cismontane woodland, coastal bluff scrub, and valley and foothill grassland habitat at elevations from 10 to 1640 ft. Bent-flowered fiddleneck occurs, or has been known to occur, in Alameda, Contra Costa, Colusa, Lake, Marin, Napa, San Benito, Santa Clara, Santa Cruz, San Mateo, and Yolo counties. It is known from fewer than 35 occurrences in the North and Central Coast Ranges, many of which have not been observed in recent years (CNPS 2011). All historical and current populations of the bent-flowered fiddleneck occur at least 10 mi north of the Project Area in places such as Las Trampas Regional Park and Briones Regional Park. The species has never been documented from the Oakland or Hayward Hills, which are adjacent to the Project Area. Within its range, the bent-flowered fiddleneck is threatened by development and mining.

Based on a review of all available information, we have concluded that, although habitat conditions (i.e., soil type and floristic composition) within the agricultural/ruderal grassland and ornamental woodland habitats on site are suitable to support bent-flowered fiddleneck, the probability of occurrence is extremely small and there is no reasonable expectation that this species would be present in the Project Area. Therefore, bent-flowered fiddleneck is determined to be absent from the Project Area.

Alkali milk-vetch (*Astragalus tener* var. *tener*). Federal Listing Status: None; State Listing Status: None; CNPS List: 1B.2. Alkali milk-vetch is an annual herb in the pea family (Fabaceae) that blooms from March to June. It occurs in alkaline soils in playas, valley and foothill grasslands underlain by adobe clay, and vernal pool habitats at elevations between 3 and 197 ft. Threats to the species include development, competition from non-native plants, and habitat destruction, especially from agriculture.

Alkali milk-vetch is a California endemic found in 35 USGS 7.5-minute quadrangles in Alameda, Merced, Napa, Solano, and Yolo counties, and it is presumed extirpated from its historical range in Contra Costa, Monterey, San Benito, Santa Clara, San Francisco, San Joaquin, Sonoma, and Stanislaus counties. Historic records indicate alkali milk-vetch was identified within the Project vicinity in the early 1900s (CNDDDB 2011). These occurrences have since been determined to be extirpated. The Consortium of California Herbaria (2011) contains a documented occurrence of the species in 2002 near Warm Springs in Fremont.

Although this species may occur within the Project vicinity, habitat conditions in the Project Area are not suitable as the alkaline soils and microhabitat conditions, such as vernal pools, where the species would occur are not present. Additionally, the locations of currently known extant populations are geographically isolated from the Project Area (CNPS 2010), being separated by several miles of highly developed urban landscape. Therefore, alkali milk-vetch is determined to be absent.

Mt. Diablo fairy-lantern (*Calochortus pulchellus*). Federal Listing Status: None; State Listing Status: None; CNPS List: 1B.1. Mt. Diablo fairy-lantern is a bulbiferous herb in the

lily family (Liliaceae) that can bloom from April to June (CNPS 2011). This species occurs in chaparral, cismontane woodland, riparian woodlands, and valley and foothill grassland habitats at elevations of approximately 100 to 2780 ft (CNDDDB 2011). The CNDDDB (2011) indicates that microhabitat conditions for this species are on woody or brushy slopes from 650-2625 ft in elevation, which is much higher than any elevations in the Project Area and contradicts the CNPS' elevation range for the species. This species is threatened by urbanization, horticultural collection, soil disturbance caused by feral pigs, and grazing (CNPS 2011).

The Mt. Diablo fairy-lantern is found in Alameda, Contra Costa, and Solano counties (within 10 USGS 7.5-minute quadrangles), but is most common along the southwestern slopes and foothills of Mt. Diablo. The closest known population was documented in 1993 on Ramage Peak, which is several miles northeast of the Project Area (CNPS 2011); the species has not been found since at this location.

Based on a review of all available information, we have concluded that, although two of the species' preferred habitat types (i.e., riparian and valley and foothill grassland) are present in the Project Area as represented by the riparian habitat associated with Ward Creek in Hayward Memorial Park and the agricultural/ruderal grassland and ornamental woodland habitats, there is no reasonable expectation that this species would occur. This conclusion is based on the absence of specific microhabitat conditions and the geographic isolation of currently known extant populations from the Project Area. Therefore, the Mt. Diablo fairy-lantern is determined to be absent.

Johnny nip (*Castilleja ambigua* ssp. *ambigua*). **Federal Listing Status: None; State Listing Status: None; CNPS List: 4.2.** Johnny nip is an annual herb in the family Scrophulariaceae and is native to western North America. Johnny nip is found in wetland and riparian habitats associated with coastal bluff scrub, coastal prairie, coastal scrub, marshes and swamps, valley and foothill grasslands, and vernal pool margins. The species is known to occur at elevations of 0 to 328 ft, and the blooming period is between March and August. The main threat to Johnny nip is development (CNPS 2011).

The current known distribution of the species is limited to Alameda, Contra Costa, Del Norte, Humboldt, Mendocino, Marin, Napa, Santa Cruz, San Francisco, San Luis Obispo, San Mateo, and Sonoma counties in California, and Oregon and Washington states. The closest known occurrence of Johnny nip to the Project Area is an 1863 collection taken from the Oakland Hills area (CNPS 2011).

Although the probability of occurrence of this species within the Project Area is small, its presence cannot be entirely ruled out based on existing information. In the Project Area, the preferred habitat types for Johnny nip are represented by the wetland seep within the agricultural/ruderal grassland field and the riparian habitat associated with Ward Creek in Hayward Memorial Park. The species was not observed during the reconnaissance survey in September 2010; however, protocol-level, floristic surveys were not conducted.

Fragrant fritillary (*Fritillaria liliacea*). **Federal Listing Status: None; State Listing Status: None; CNPS List: 1B.2.** Fragrant fritillary is a bulbiferous herb in the lily (Liliaceae) family

that occurs in cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland habitats, often on areas with serpentine substrates. It typically occurs at elevations of 10 to 1345 ft (CNPS 2011) and is taxonomically variable. The blooming period extends from February through April. The fragrant fritillary prefers relatively open grassland habitats underlain with heavy clay soils derived from serpentine bedrock, such as the Climara soils series in Santa Clara County. Fragrant fritillary is often associated with serpentine soils, although Safford (2005) indicates that it is only weakly associated with serpentine. This species does not compete well with non-native grasses but is able to persist on moderate slopes that are grazed annually. It is threatened by grazing, agriculture, urbanization, and non-native plant species.

This species occurs within 38 USGS 7.5-minute quadrangles in Alameda, Contra Costa, Monterey, Marin, San Benito, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma counties. The closest known population of fragrant fritillary to the Project Area is reported to occur within Chabot Regional Park, located approximately 2 mi to the north (CNPS 2011).

Although the probability of occurrence of this species within the Project Area is small, its presence cannot be entirely ruled out based on existing information. The clay soils of the agricultural/ruderal grassland fields and the ornamental woodlands in the Project Area, with the exception of the ornamental woodlands located in Hayward Memorial Park, represent suitable habitat for fragrant fritillary even though these soils are not serpentine. The species was not observed during the reconnaissance survey in September 2010; however, protocol-level, floristic surveys were not conducted.

Diablo helianthella (*Helianthella castanea*). **Federal Listing Status: None; State Listing Status: None; CNPS List: 1B.2.** Diablo helianthella is a perennial herb in the sunflower family (Asteraceae) that blooms from March to June. This species occurs in broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grassland habitats from 197 to 4265 ft elevation. Threats to the species include urbanization, grazing, fire suppression, and possibly roadside maintenance (CNPS 2011).

Diablo helianthella is a California endemic found in 18 USGS 7.5-minute quadrangles in Alameda, Contra Costa, San Diego, and San Mateo counties. It is believed to be extirpated in Marin and San Francisco counties. There are several known occurrences across 14 botanical regions in the East Bay (CNPS 2010).

The preferred habitat for the Diablo helianthella is best represented in the Project Area by the agricultural/ruderal grassland and ornamental woodland habitats, with the exception of the ornamental woodlands located in Hayward Memorial Park, as well as the densely shaded riparian woodland associated with Ward Creek. Although these habitats in the Project Area do not contain the associated species or transition areas documented in the CNDDDB recorded occurrences, they do share the general habitat characteristics described by the CNPS for the species. This species was not observed during the reconnaissance survey in September 2010; however, protocol-level, floristic surveys were not conducted.

SPECIAL-STATUS ANIMAL SPECIES

The legal status and likelihood of occurrence of special-status animal species known to occur, or potentially occurring, in the Project region are presented in Table 2. Figure 4 depicts the CNDDDB-mapped locations of special-status animals in the Project vicinity.

Most of the special-status animal species listed in Table 2 are not expected to occur in the Project Area because the site lacks suitable habitat, is outside the distributions of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat. For instance, several special-status marsh species are known to occur (or to have occurred historically) in the vicinity, primarily to the west along the Bay; these include the California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), redhead (*Aythya americana*), Barrow's goldeneye (*Bucephala islandica*), common loon (*Gavia immer*), black tern (*Chlidonias niger*), Alameda song sparrow (*Melospiza melodia pusillula*), Bryant's savannah sparrow (*Passerculus sandwichensis alaudinus*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), and salt-marsh harvest mouse (*Reithrodontomys raviventris*). However, the Project site does not support marsh habitat. Other species not expected to occur in the Project Area for the reasons outlined above include the Bay checkerspot butterfly (*Euphydryas editha bayensis*), vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchi*), longhorn fairy shrimp (*Branchinecta longiantenna*), green sturgeon (*Acipenser medirostris*), tidewater goby (*Eucyclogobius newberryi*), Central California coast coho salmon (*Oncorhynchus kisutch*), Central Valley spring-run Chinook salmon (*Oncorhynchus mykiss*), winter-run Chinook salmon (*Oncorhynchus tshawytscha*), California red-legged frog (*Rana draytonii*), foothill yellow-legged frog (*Rana boylei*), western spadefoot (*Scaphiopus hammondi*), California tiger salamander (*Ambystoma californiense*), California horned lizard (*Phrynosoma coronatum frontale*), silvery legless lizard (*Anniella pulchra pulchra*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), California brown pelican (*Pelecanus occidentalis californicus*), California least tern (*Sterna antillarum browni*), black skimmer (*Rynchops niger*), American white pelican (*Pelecanus erythrorhynchos*), bald eagle (*Haliaeetus leucocephalus*), American peregrine falcon (*Falco peregrinus anatum*), short-eared owl (*Asio flammeus*), long-eared owl (*Asio otus*), burrowing owl (*Athene cunicularia*), willow flycatcher (*Empidonax traillii*), grasshopper sparrow (*Ammodramus savannarum*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), tricolored blackbird (*Agelaius tricolor*), purple martin (*Progne subis*), bank swallow (*Riparia riparia*), Townsend's big-eared bat (*Corynorhinus townsendii*), American badger (*Taxidea taxus*), San Francisco dusky-footed woodrat (*Bassariscus astutus*), and San Joaquin kit fox (*Vulpes macrotis mutica*).

Several other special-status species are expected to occur in the Project Area only as uncommon to rare visitors, migrants, or transients, or may forage on the site while breeding in adjacent areas. These species include the northern harrier (*Circus cyaneus*), Vaux's swift (*Chaetura vauxi*), olive-sided flycatcher (*Contopus cooperi*), yellow warbler (*Dendroica petechia*), golden eagle (*Aquila chrysaetos*), and western red bat (*Lasiurus blossevillii*). However, these species are not expected to breed in the Project Area in any numbers, or to be affected by Project implementation. Further, the yellow warbler, olive-sided flycatcher, and Vaux's swift are considered California species of special concern only when breeding (Shuford and Gardali

2008). Thus, they are not considered “special-status species” when they occur in the Project Area.

Although no federal or state listed animal species are expected to occur in the Project Area, a number of other special-status wildlife species are known or expected to occur regularly on or near the Project Area and may breed there, or are species for which resource agencies have expressed particular concern. Expanded discussions of these species follow.

Western pond turtle (*Actinemys marmorata*). Federal Listing Status: None; State Listing Status: Species of Special Concern. The western pond turtle occurs in ponds, streams, and other wetland habitats in the Pacific slope drainages of California and northern Baja California, Mexico (Bury and Germano 2008). The central California population was historically present in most drainages on the Pacific slope (Jennings and Hayes 1994), but streambed alterations and other sources of habitat destruction, exacerbated by frequent drought events, have caused substantial population declines throughout most of the species’ range (Stebbins 2003). Ponds or slack-water pools with suitable basking sites (such as logs) are an important habitat component for this species, and western pond turtles do not occur commonly along high-gradient streams. Females lay eggs in upland habitats, in clay or silty soils in unshaded (often south-facing) areas up to 0.25 mi from aquatic habitat (Jennings and Hayes 1994). Juveniles feed and grow in shallow aquatic habitats (often creeks) with emergent vegetation and ample invertebrate prey. Nesting habitat is typically found within 600 feet of aquatic habitat (Jennings and Hayes 1994), but if no suitable nesting habitat can be found close by, adults may travel overland considerable distances to nest. Threats to the western pond turtle include impacts to nesting habitat from agricultural and grazing activities, human development of habitat, and increased predation pressure from native and non-native predators as a result of human-induced landscape changes.

Western pond turtles have not been recorded in the vicinity of the Project (CNDDDB 2011). Further, due to past development and other impacts, western pond turtles, if they occur at all, are expected to be rare in the Project Area, potentially occurring only in the aquatic and riparian habitat in Hayward Memorial Park.

White-tailed kite (*Elanus leucurus*). Federal Status: None; State Status: Fully Protected. The white-tailed kite ranges throughout the western states and Florida where suitable habitat occurs. In California, white-tailed kites can be found in the Central Valley and along the coast, in grasslands, agricultural fields, cismontane woodlands, and other open habitats (Polite et al 1990, Dunk 1995, Erichsen et al 1996). Although the species made a comeback after suffering a significant decline during the early 20th century, populations may be exhibiting new declines as a result of recent increases in habitat loss and disturbance (Dunk 1995, Erichsen et al 1996). White-tailed kites are year-round residents of the state, establishing breeding territories that encompass open areas with large prey populations, and snags, shrubs, trees, or other nesting substrates (Dunk 1995). Non-breeding birds typically remain in the same area over the winter, although some movements do occur (Polite et al 1990). The presence of white-tailed kites is closely tied to the presence of prey species, particularly voles, and prey base may be the most important factor in determining habitat quality for white-tailed kites (Dunk and Cooper 1994, Skonieczny and Dunk 1997).

In the Project Area, the agricultural/ruderal grassland habitat provides marginally suitable habitat for this species due to its limited size and the degree of surrounding urbanization.

Loggerhead shrike (*Lanius ludovicianus*). Federal Listing Status: None; State Listing Status: Species of Special Concern (Nesting). The loggerhead shrike is distributed throughout much of California, except in higher-elevation and heavily forested areas (Humple 2008). While the species' range in California has remained stable over time, populations have declined steadily (Cade and Woods 1997). Loggerhead shrikes establish breeding territories in open habitats with relatively short vegetation that allows for visibility of prey; they can be found in grasslands, scrub habitats, riparian areas, other open woodlands, ruderal habitats, and developed areas including golf courses and agricultural fields (Yosef 1996). They require the presence of structures for impaling their prey; these most often take the form of thorny or sharp-stemmed shrubs, or barbed wire (Humple 2008). Ideal breeding habitat for loggerhead shrikes is comprised of short grass habitat with many perches, shrubs, or trees for nesting, and sharp branches or barbed wire fences for impaling prey. Shrikes nest earlier than most other passerines, especially in the west where populations are sedentary. The breeding season may begin as early as late February and lasts through July (Yosef 1996). Nests are typically established in shrubs and low trees including sagebrush, willow, and mesquite, through brush piles may be used when shrubs are not available. Loss and degradation of breeding habitat, as well as possible negative impacts of pesticides, are considered the major contributors to the population declines exhibited by this species (Cade and Woods 1997).

In the Project Area, the agricultural/ruderal grassland provides suitable nesting and foraging habitat for the loggerhead shrike.

San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*). Federal Listing Status: None; State Listing Status: Species of Special Concern. The San Francisco dusky-footed woodrat occurs in a variety of woodland and scrub habitats throughout the South Bay and the adjacent central coast range, south to the Pajaro River in Monterey County (Hall 1981, Bryiski et al. 1990). Woodrats prefer riparian and oak woodland forests with dense understory cover or thick chaparral habitat (Lee and Tietje 2005). Although woodrats are locally common in many areas, habitat conversion and increased urbanization, as well as increasing populations of introduced predators such as domestic cats, pose substantial threats to this subspecies (H. T. Harvey & Associates 2010). Dusky-footed woodrats build large, complex nests of sticks and other woody debris, which may be maintained by a series of occupants for several years (Carraway and Verts 1991). They are adept at making use of human-made structures such as electrical boxes and pipes. Woodrat nest densities increase with canopy density and with the presence of poison oak (Carraway and Verts 1991). While the San Francisco dusky-footed woodrat is described as a generalist omnivore, individuals may specialize on local plants that are available for forage (Haynie et al. 2007). The breeding season for dusky-footed woodrats begins in February and sometimes continues through September, with females bearing a single brood of one to four young per year (Carraway and Verts 1991).

Because the Project Area is highly developed and San Francisco dusky-footed woodrats are extremely sensitive to non-native predators, there is little suitable habitat for this species in the Project Area. The riparian habitat in Hayward Memorial Park may provide marginally suitable habitat for this species, but it would be expected to occur in low numbers if it is present at all.

Pallid bat (*Antrozous pallidus*). **Federal Listing Status: None; State Listing Status: Species of Special Concern.** The pallid bat is a light brown or sandy-colored, long-eared, moderate-sized bat that occurs throughout California with the exception of the northwest corner of the state and the high Sierra Nevada (Zeiner et al. 1990). Pallid bats are most commonly found in oak savannah and in open dry habitats with rocky areas, trees, buildings, or bridge structures that are used for roosting (Zeiner et al. 1990, Ferguson and Azerrad 2004). Coastal colonies commonly roost in deep crevices in rocky outcroppings, in buildings, under bridges, and in the crevices, hollows, and exfoliating bark of trees. Night roosts often occur in open buildings, porches, garages, highway bridges, and mines. Colonies can range in size from a few individuals to over a hundred (Barbour and Davis 1969) but usually consist of at least 20 individuals (Wilson and Ruff 1999). Pallid bats typically winter in canyon bottoms and riparian areas. After mating during the late fall and winter, females leave to form maternity colonies, often on ridge tops or other warmer locales (Johnston et al. 2006). Pallid bat roosts are very susceptible to human disturbance, and urban development has been cited as the most significant factor contributing to their regional decline (Miner and Stokes 2005).

In the Project Area, large trees with cavities and old buildings may provide suitable habitat. CNDDDB records (2011) include one occurrence of the species immediately adjacent to the Project Area and a second occurrence less than 3 mi to the south.

SENSITIVE AND REGULATED PLANT COMMUNITIES AND HABITATS

The CDFG ranks certain rare or threatened plant communities, such as wetlands, meadows, and riparian forest and scrub, as ‘threatened’ or ‘very threatened’. These communities are tracked in the CNDDDB. Impacts to CDFG sensitive plant communities, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under CEQA (California Code of Regulations: Title 14, Div. 6, Chap. 3, Appendix G). Furthermore, wetland and riparian habitats are also afforded protection under applicable federal, state, or local regulations, and are generally subject to regulation, protection, or consideration by the USACE, RWQCB, CDFG, and/or the USFWS.

CDFG Sensitive Habitats. The bed and banks and associated riparian habitat of Ward Creek and any wetland habitats, such as the wetland seep in the agricultural/ruderal grassland, in the Project area may be regulated by the CDFG.

Waters of the U.S./State. As discussed under *Regulatory Setting* above, the bed and banks of Ward Creek up to ordinary high water, and, potentially, the wetlands in the Project Area, are considered waters of the U.S. under the Clean Water Act and waters of the State under the Porter-Cologne Water Quality Control Act. The extent and limits of such habitats have not yet been established, but will need to be determined through formal wetland delineation before construction activities begin.

IMPACTS AND MITIGATION MEASURES

CEQA and the CEQA Guidelines provide guidance in evaluating impacts of projects to biological resources and determining which impacts will be significant. CEQA defines “significant effect on the environment” as “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.” Under CEQA Guidelines Section 15065, a project's effects on biotic resources are deemed significant where the project would:

- “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”

In addition to the Section 15065 criteria that trigger mandatory findings of significance, Appendix G of the CEQA Guidelines provides a checklist of other potential impacts to consider when analyzing the significance of project effects. The impacts listed in Appendix G may or may not be significant, depending on the level of the impact. For biological resources, these impacts include whether the project would:

- “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”
- “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”
- “have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act”
- “interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites”
- “conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance”
- “conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan”

PROJECT-SPECIFIC ANALYSIS: MISSION BOULEVARD SPECIFIC PLAN

Key Assumptions

The following impact analysis is based on several key assumptions:

- Because the impacts to sensitive/regulated habitats are unknown at this time, this Specific Plan EIR has made the conservative assumption that these habitats may be impacted through Project related activities.
- Estimates of impacts to wetlands, creeks, and other potentially jurisdictional waters of the U.S./State are preliminary, and are based on the amount of the area identified as potentially jurisdictional during reconnaissance surveys. The boundaries of these features have not yet been verified by the USACE or RWQCB. Impacts to seasonal and perennial wetlands, freshwater marsh, seeps and springs, creeks, and ponds assessed in this chapter do not depend on whether such areas are ultimately claimed or disclaimed as jurisdictional waters based upon current federal regulatory guidance. It is assumed that such areas are still regulated by waters of the state if they possess wetland characteristics, even if disclaimed by the USACE.
- Future specific development projects related to the Mission Boulevard Specific Plan may be required to obtain permits from one or more state or federal resource agencies, such as the CDFG, RWQCB, or USACE. Those agencies through their own permitting processes may require mitigation for certain biological resource impacts that is different in kind and/or amount from the mitigation specified in this Specific Plan EIR. The proponents of such projects will have to comply with both the applicable mitigation measures in this EIR and any additional non-duplicative mitigation measures imposed by the resource agencies.
- In the future, the City of Hayward or some other entity could obtain state and federal resource agency permits for the entire site, or a substantial portion of the site, which could then be used by future specific development projects related to the Mission Boulevard Specific Plan. This could eliminate the need for specific development projects to obtain their own project-specific resource agency permits.

IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

Impacts to Developed/Landscaped, Agricultural/Ruderal Grassland, and Ornamental Woodland Habitats

Construction activities related to the Mission Boulevard Corridor Specific Plan Project may result in the loss or conversion of up to 238.65 ac of developed/landscaped, 9.80 ac of agricultural/ruderal grassland, and, 15.01 ac of ornamental woodland habitat. Impacts to these habitats during construction will reduce their extent in the Project Area and will result in a reduction in abundance of some of the common plant and wildlife species that use the site. However, these habitat types are relatively abundant and widespread regionally, and none of the three habitats listed in this section represent particularly sensitive, valuable (from the perspective of providing important plant or wildlife habitat), or exemplary occurrences of these habitat types.

Therefore, impacts to these habitats, and the loss of potential nesting, roosting, and foraging opportunities associated with such habitats, are not considered significant unless special-status plants are identified within these habitats (see Impacts to Special-Status Plants below).

Impacts to Trees Protected by the City of Hayward Tree Preservation Ordinance

Many of the trees located in ornamental woodlands, riparian woodlands, and along the roads located in the Project Area are considered “significant” or “protected” under the City of Hayward Tree Preservation Ordinance. A permit from the City Landscape Architect would be required for removal, relocation, cutting, or reshaping of protected trees. In addition, removal, relocation, cutting, or reshaping of street trees would require permission and approval from the City Landscape Maintenance Manager and removed trees would need to be replaced with a tree or shrub that conforms to the “Official Street Tree List”.

These trees, although they provide some wildlife habitat, are typically not naturally occurring and are usually non-native ornamental species. Thus, due to their low habitat functions and the urbanized setting of the Project Area, their loss, and the loss of potential nesting, roosting, and foraging opportunities associated with them, is not considered significant.

Impacts to Golden Eagle Foraging Habitat

The golden eagle may forage in the agricultural/ruderal grassland habitat in the Project Area but it is not expected to occur frequently or in large numbers, or to nest on the site. Project construction would not result in injury or mortality of any individuals of this species, which are mobile enough to avoid construction equipment. There would also be no substantial loss of foraging or non-breeding habitat, as the Project footprint primarily includes already developed and/or heavily impacted areas. As a result, the Project’s impacts do not meet the CEQA standard of having a *substantial* adverse effect on this species’ populations, and the Project will have a less-than-significant impact on the golden eagle.

Impacts to Habitat for and Individuals of Certain Potentially Breeding Special-status Animal Species

Some special-status animal species could potentially breed in or adjacent to the Project Area but are not expected to be significantly impacted by the Project. These species include the white-tailed kite, loggerhead shrike, western pond turtle, and San Francisco dusky-footed woodrat.

White-tailed kites and loggerhead shrikes are uncommon to rare in urban/suburban areas in the East Bay due to the scarcity of suitable grassland habitat, and due to the limited extent of foraging habitat and disturbance there is a low probability that either species nests on the site. Nevertheless, there is some potential for up to one pair of each species to nest in the agricultural/ruderal grassland habitat in the Project Area. Any such nesting pairs would be displaced by Project activities. Therefore, a small amount of marginal nesting and foraging habitat would be removed as a result of Project activities.

Western pond turtles, if they occur at all, are expected to be rare in the Project Area, potentially occurring only in the aquatic and riparian habitat within Hayward Memorial Park. However,

because the banks of Ward Creek within the Project Area boundaries are partially lined with concrete and the creek flows into an underground, engineered channel shortly after crossing the Project boundary, western pond turtles are not expected to occur in large numbers or to breed regularly within the Project Area.

Because of the highly-developed nature of the Project Area, there is little suitable habitat present for the San Francisco dusky-footed woodrat. Further, because San Francisco dusky-footed woodrats are extremely sensitive to non-native predators, what little habitat is present (e.g., the riparian habitat in Hayward Memorial Park) likely provides only marginally suitable habitat for this species. Thus, San Francisco dusky-footed woodrats are not expected to occur in large numbers within the Project Area.

Because the amount and quality of habitat being impacted is low for the above-listed species, and the number of breeding individuals that could be disturbed is very small, the Project's impacts would not substantially reduce regional populations of these species. Thus, these impacts do not meet the CEQA standard of having a substantial adverse. Although the loss of any active nests of protected birds would be in violation of federal and state laws (see *Regulatory Setting* above), impacts to these species and their habitats would not be considered a significant impact under CEQA.

IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION

Indirect Impacts to Water Quality and Sensitive Habitats

There is potential for construction activities to result in indirect effects on water quality and sensitive aquatic and wetland habitats in and near the Project Area. For example, in the absence of measures to prevent erosion and sedimentation, sediment may wash from construction areas into adjacent aquatic habitats, or soil loosened by grading could slide downslope into such areas. Such impacts could result in the loss or degradation of wetland or aquatic habitats and degradation of water quality in adjacent waters. Due to the value of wetlands to the ecology of the Bay's aquatic habitats and the value of these aquatic habitats to a variety of fish, benthic organisms, and other species, degradation of water quality or wetlands would be a significant impact.

The following mitigation measures will reduce construction-phase impacts on water quality to a less-than-significant level.

Mitigation Measure 1A. Incorporate Best Management Practices for Water Quality During Construction. The Project will incorporate Best Management Practices (BMPs) for water quality. These BMPs will include numerous practices that will be outlined in the Stormwater Pollution Prevention Plan (SWPPP), but will include measures such as:

1. No equipment will be operated in live flow in any of the channels or ditches on or adjacent to the Project Area.

2. No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into aquatic or wetland habitat.
3. Standard erosion control and slope stabilization measures will be required for work performed in any area where erosion could lead to sedimentation of a waterbody. For example, silt fencing will be installed just outside the limits of grading and construction in any areas where such activities will occur upslope from, and within 50 ft of, any wetland, or aquatic habitat. This silt fencing will be inspected and maintained regularly throughout the duration of construction.
4. Machinery will be refueled at least 50 ft from any aquatic habitat, and a spill prevention and response plan will be developed. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

Mitigation Measure 1B. Minimize Soil Disturbance Adjacent to Wetland Habitat. To the extent feasible, soil stockpiling, equipment staging, construction access roads, and other intensively soil-disturbing activities will not occur immediately adjacent to any wetlands that are to be avoided by the Project. The limits of the construction area will be clearly demarcated with Environmentally Sensitive Area fencing to avoid inadvertent disturbance outside the fence during construction activities.

Mitigation Measure 1C. Ensure Adequate Stormwater Run-off Capacity. Increases in stormwater run-off due to increased hardscape will be mitigated through the construction and maintenance of features designed to handle the expected increases in flows and provide adequate energy dissipation. All such features, including outfalls, will be regularly maintained to ensure continued function and prevent failure following construction.

Impacts to Special-status Plants

The agricultural/ruderal grassland, wetland, and riparian habitats within the Project Area may provide habitat for plants considered special-status by the USFWS, CDFG, or CNPS. If specific Project elements include construction activities in these habitats, such activities could adversely impact special-status plants and their associated habitats. Special-status plant species that could occur in the Project vicinity and could potentially be impacted by specific elements of the Project are the Santa Cruz tarplant, Johnny nip, fragrant fritillary, and Diablo helianthella. Implementation of the following mitigation measures will reduce impacts to special-status plants to a less-than-significant level.

Mitigation Measure 2A. Conduct Special-status Plant Surveys in Locations Where Project Activities Are Proposed to Occur in Natural Areas. Prior to approving construction in any of the areas mapped as agricultural/ruderal grassland, wetland, or riparian habitat in the Project Area, the project proponent shall be required to hire a qualified biologist to conduct focused surveys during the published blooming period for the Santa Cruz tarplant, Johnny nip, fragrant fritillary, and Diablo helianthella. The locations and specific habitat requirements of each of these species are outlined in Table 2.

Mitigation Measure 2B. Determine CEQA Significance for Potential Impacts. After protocol-level floristic surveys are completed, a species-specific determination of potential significance will be conducted for each plant species by a qualified plant ecologist, using the results of the Project Area survey and existing databases.

Due to the regional rarity of the one species (Santa Cruz tarplant) that is listed under the federal and California Endangered Species Act, if this species is found to be present, any adverse effects on this species will be considered potentially significant. If activities will result in the loss of any Santa Cruz tarplants found within the proposed work area, the impact will be deemed significant and unmitigable. Implementation of the avoidance component of Mitigation Measure 2C shall be implemented for such impacts. As described earlier, the only remaining documented occurrences of this species are from Santa Cruz and Monterey counties, although the plant was known at one time on coastal terraces of the Bay Area. The discovery of this federally threatened and state endangered plant in the Project Area would represent a substantial finding requiring protection.

If any other CNPS-listed plant species are found within or directly adjacent to the proposed work area, the impact will be deemed less than significant and no further mitigation will be required if activities will result in either 1) the loss of less than 5 percent of the known individuals documented as occurring within 50 mi of the impact location, or 2) if the total number of individuals is unknown, the loss of less than 5 percent of the known populations. Such an impact would be considered less than significant because regional populations will remain abundant following Project implementation and the Project will not substantially reduce the number or range of these species.

If such activities will result in loss of more than 5 percent of the known populations or individuals of these species documented as occurring within 50 mi of the impact location, this impact is determined to be significant.

It is likely that if found, impacts to small populations of List 4 species such as Johnny nip would be considered less than significant. These plant species are widely distributed, with many known, extant populations occurring in many counties. In other cases, the species are considered to be more rare but the amount of suitable habitat present on-site is limited, meaning that any potentially present populations are likely to be small in size and, therefore, impacts to these would likely also be less than significant. However, impacts to populations of more restricted, rare, or declining species are likely to be considered significant unless mitigated. Finally, for those species that have a potential to occur on-site as a large population due to the abundance of potentially suitable habitat, impacts to a large population of so-called “watch-list” (i.e., CNPS List 3 and 4) species may be considered significant unless mitigated.

For any special-status plant for which it is determined that Project activities may result in a significant impact, the following mitigation measure will be implemented.

Mitigation Measure 2C. Avoid and Preserve Special-status Plants. To the extent feasible, construction activities will avoid impacts to known special-status plant populations on site. All Santa Cruz tarplants and populations of CNPS-listed plants (for which a determination of

significance has been determined under Mitigation Measure 2B) that are to be avoided shall be protected by a permanent buffer zone established prior to site grading. The buffer for any special-status plants on site shall be established at 50 ft from the perimeter of the population or the individual plants unless otherwise agreed upon by a qualified botanist retained by the City. With implementation of this component of this mitigation measure, the impact would be reduced to a less-than-significant level.

Mitigation Measure 2D. Compensatory Mitigation. If avoidance of the CNPS-listed plants (for which a determination of significance has been determined) is not feasible, mitigation shall be provided via the preservation, enhancement, and management of occupied habitat for the affected species. Habitat that supports the species that are impacted shall be preserved and managed in perpetuity. The mitigation habitat shall be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified botanist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and will contain at least as many individuals of the impacted species as are impacted by Project activities. The permanent protection and management of mitigation lands shall be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase. A Habitat Mitigation and Monitoring Plan (HMMP) will be developed and implemented for the mitigation lands. That plan will include, at a minimum, the following information:

- A summary of habitat impacts and the proposed mitigation
- A description of the location and boundaries of the mitigation site and description of existing site conditions
- A description of measures to be undertaken to enhance (e.g., through focused management) the mitigation site for the focal special-status species
- A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified botanist)
- Proposed management activities to maintain high-quality habitat conditions for the focal species
- A description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.
- Contingency measures for mitigation elements that do not meet performance criteria

Alternatively, mitigation could be provided by contributing funds to an entity, such as the East Bay Regional Parks District, that would be used specifically to enhance and manage habitat supporting the species for which mitigation is needed. Such enhancement and management would be performed in accordance with the HMMP contents listed above.

Impacts to Sensitive Plant Communities and Habitats

Approximately 0.95 ac of riparian and 0.17 ac of aquatic and wetland habitats have been identified in the Project Area and may be affected by construction activities. Aquatic and riparian habitat is located along the bed and banks of Ward Creek (within Hayward Memorial

Park) and wetland habitat is located in the agricultural/ruderal grassland field. While the actual acreage of impacts to these sensitive habitats is unknown at this time, it is possible that these habitats could be affected by the proposed Project. Implementation of the following mitigation measures will reduce impacts to sensitive plant communities and habitats to a less-than-significant level.

Mitigation Measure 3A. Delineate Riparian, Aquatic, and Wetland Boundaries. Prior to any ground disturbing activities that could potentially have direct impacts on riparian, aquatic, or wetland habitats, a focused delineation will be performed to determine the precise limits of these habitats within the Project Area.

Mitigation Measure 3B. Impact Avoidance/Minimization. Future Project elements will be designed to avoid and minimize impacts to these sensitive habitats to the extent practicable while still accomplishing Project objectives.

Mitigation Measure 3C. Restoration of Temporarily Impacted Wetland/Aquatic Habitats. Riparian, aquatic, or wetland habitats that are temporarily impacted during construction of specific development projects will be restored to pre-existing contours and levels of soil compaction following build-out. The means by which such temporarily impacted areas will be restored shall be detailed in the mitigation plan described in Mitigation Measure 3D below.

Mitigation Measure 3D. Compensation for Permanently Impacted Riparian, Wetland and Aquatic Habitats. Unavoidable permanent fill of riparian, wetland, and aquatic habitats will be mitigated at a minimum ratio of 1:1 (mitigation area: impact area) by creation or restoration of similar habitat. Mitigation may be achieved through a combination of on-site restoration or creation of riparian, wetland, or aquatic habitats (including removal of on-site fill or structures that results in a gain of wetland or aquatic habitats); off-site restoration/creation; funding of off-site restoration/creation projects implemented by others; and/or mitigation credits purchased at mitigation banks within the San Francisco Bay Region.

For funding of off-site improvements or purchase of mitigation bank credits, the Project Proponent shall provide written evidence to the City that either 1) compensation has been established through the purchase of a sufficient number of mitigation credits in a mitigation bank to satisfy the mitigation acreage requirements of the Project activity or 2) funds sufficient for the restoration of the mitigation acreage requirements of the Project activity have been paid to an entity implementing a project that would create or restore habitats of the type being impacted by the Project.

For areas to be restored as mitigation for temporary or permanent impacts, the project applicant shall prepare and implement a mitigation plan. The project applicant shall retain a qualified restoration ecologist or wetland biologist to develop the mitigation plan, which shall contain the following components (or as otherwise modified by regulatory agency permitting conditions):

- Summary of habitat impacts and proposed mitigation ratios, along with a description of any other mitigation strategies used to achieve the overall mitigation ratios, such as funding of off-site improvements and/or purchase of mitigation bank credits

- Goal of the restoration to achieve no net loss of habitat functions and values
- Location of mitigation site(s) and description of existing site conditions
- Mitigation design:
 - Existing and proposed site hydrology
 - Grading plan if appropriate, including bank stabilization or other site stabilization features
 - Soil amendments and other site preparation elements as appropriate
 - Planting plan
 - Irrigation and maintenance plan
 - Remedial measures/adaptive management, etc.
- Monitoring plan (including final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.)
- Contingency plan for mitigation elements that do not meet performance or final success criteria.

Impacts to the Pallid Bat

Pallid bats are most commonly found in oak savannah and open dry habitats with rocky areas, trees, buildings, or bridge structures that are used for roosting. Suitable habitat for the pallid bat may be directly lost as a result of development through the demolition of buildings or other structures or the removal of trees used as breeding or roosting sites. Redevelopment of old or abandoned structures as is likely under this Specific Plan may impact roosts for pallid bats. Individual bats can be killed or injured during construction activities when trees or structures that contain roosting colonies or individual bats are removed or demolished as a result of crushing, being disturbed during torpor, separation or disturbance related abandonment of nursing young by their mothers, or being exposed to predation in daylight. Development may also result in the loss or reduction of foraging habitats, such as streams and open grassland areas over which the bats forage.

One record of a pallid bat has been reported in the immediate vicinity of the Project Area (CNDDDB 2011), and potential breeding habitat is present in old buildings and large trees with cavities. The species can roost in many areas of the Project Area particularly in or near less developed areas.

Because destruction of an occupied bat roost could result in the loss of numerous individuals, thus affecting regional abundance of the species involved, avoidance and minimization of impacts to individual bats at occupied roost sites is important. Implementation of the following mitigation measures will reduce impacts to pallid bats to a less-than-significant level.

Mitigation Measure 4A. Pre-demolition Surveys and Buffer Zones. A pre-demolition survey for roosting bats will be conducted prior to any removal of buildings or trees ≥ 12 inches in diameter at 4.5 ft above grade. The survey will be conducted by a qualified bat biologist (i.e., a

biologist holding a CDFG collection permit and a Memorandum of Understanding with CDFG allowing the biologist to handle and collect bats). No activities that would result in disturbance to active roosts shall proceed prior to the completed surveys. If no active roosts are found, then no further action would be warranted. If a pallid bat roost is present, Mitigation Measures 4B–4D shall be implemented.

Mitigation 4B. Avoidance. If an active pallid bat maternity roost is found, the project shall be redesigned to avoid the loss of the building or tree occupied by the roost, if feasible. If avoidance is not feasible, Mitigation Measures 4C and 4D shall be implemented. If the roost is a non-maternity roost, then avoidance is not necessary, but Mitigation Measure 4C shall be implemented to avoid the injury or mortality of individual pallid bats.

Mitigation 4C. Exclude Pallid Bats Prior to Demolition of Roosts. If an active pallid bat roost will be impacted, demolition of that tree or structure will commence before maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after July 31). A disturbance-free buffer zone, the extent of which shall be determined by a qualified bat biologist based on site-specific conditions, will be observed during the maternity roost season (March 1–July 31)

Bats may be evicted during the period August 1–October 31, or November 1–February 28 only during prolonged periods of warm conditions. Bats shall not be evicted on rainy nights or nights when temperatures are predicted to be less than 50 degrees F. The individuals shall be safely evicted under the direction of a qualified bat biologist by opening the roosting area to allow air flow through the cavity. Demolition should then follow no sooner than the following day (i.e., there should be no less than one night between initial disturbance for air flow and the demolition). This action will allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. Trees with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours.

Mitigation 4D. Provide Alternative Pallid Bat Roost. If a tree or structure containing a pallid bat maternity roost is to be removed by the proposed Project, a qualified biologist shall design and determine an appropriate location for an alternative roost structure. The qualified biologist will determine the appropriate location for the alternative roost structure based on the location of the original roost and the habitat conditions in the vicinity. The roost structure will be built to specifications as determined by the qualified biologist, or it may be purchased from an appropriate vendor. The structure will be placed as close to the impacted roost site as feasible. The project applicant will monitor the roost for up to three years (or until occupancy is determined, whichever occurs first) to determine use by bats. If by Year 3 pallid bats are not using the structure, a qualified bat biologist, in consultation with the CDFG, will identify alternative roost designs or locations for placement of the roost.

CUMULATIVE IMPACTS

Cumulative impacts arise due to the linking of impacts from past, current, and reasonably foreseeable future projects in the region. With implementation of the mitigation measures above, no significant impacts are expected as a result of the proposed Project. The proposed Mission

Boulevard Corridor Specific Plan will not result in a cumulatively considerable contribution to cumulative impacts on biological resources.

With the exception of isolated protected open spaces, the Project vicinity is largely urbanized, and few areas for new development remain. However, infill development and redevelopment of existing areas are likely to occur in the Project vicinity, such as the South Hayward BART form based code project. Each of these projects is expected to complete (or have completed) their own separate CEQA reviews, and to address any potential impacts therein by mitigating them to a less than significant level.

Project impacts will result primarily from the loss or modification of regionally abundant terrestrial habitats and the associated modification of wildlife communities dominated by regionally abundant species. Due to the abundance of these species and habitat types regionally, the Project will not contribute to cumulative impacts on these resources.

Riparian, wetland, and aquatic habitats, which could be impacted by the Project, are of particular ecological importance, have undergone more substantial modification by human activities, and are less extensive regionally than the upland habitats that will be impacted by the Project. However, the Project will aim to avoid and minimize impacts to these habitats to the extent possible. In the cases where impacts cannot be avoided, compensatory mitigation will be provided to reduce and compensate for impacts to these resources.

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APPENDIX A
SPECIAL-STATUS PLANT SPECIES REJECTED FOR OCCURRENCE

Scientific Name	Common Name	Lack of Serpentine (S) or Alkaline (A) Soils	Lack of Other Edaphic Requirements	Outside Elevation Range for Species	Specific Habitat Type Not Present on Site
<i>Acanthomintha lanceolata</i>	Santa Clara thorn-mint			X	
<i>Androsace elongata</i> ssp. <i>acuta</i>	California androsace			X	
<i>Anomobryum julaceum</i>	slender silver moss			X	
<i>Arctostaphylos auriculata</i>	Mt. Diablo manzanita			X	
<i>Arctostaphylos manzanita</i> ssp. <i>laevigata</i>	Contra Costa manzanita			X	
<i>Arctostaphylos pallida</i>	pallid manzanita			X	
<i>Aspidotis carlotta-halliae</i>	Carlotta Hall's lace fern			X	
<i>Astragalus nuttallii</i> var. <i>nuttallii</i>	ocean bluff milk-vetch				X
<i>Atriplex coronata</i> var. <i>coronata</i>	crownscale		X		
<i>Atriplex joaquiniana</i>	San Joaquin spearscale		X		
<i>Balsamorhiza macrolepis</i> var. <i>macrolepis</i>	big-scale balsamroot			X	
<i>California macrophylla</i>	round-leaved filaree		X		
<i>Calochortus umbellatus</i>	Oakland star-tulip			X	
<i>Campanula exigua</i>	chaparral harebell			X	
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant		X		
<i>Chorizanthe robusta</i> var. <i>robusta</i>	robust spineflower				X
<i>Clarkia breweri</i>	Brewer's clarkia			X	
<i>Clarkia concinna</i> ssp. <i>automixa</i>	Santa Clara red ribbons			X	
<i>Clarkia franciscana</i>	Presidio clarkia	X			
<i>Cordylanthus maritimus</i> ssp. <i>palustris</i>	Point Reyes bird's-beak				X
<i>Delphinium gypsophilum</i> ssp. <i>gypsophilum</i>	gypsum-loving larkspur			X	
<i>Didymodon norrisii</i>	Norris' beard moss			X	
<i>Dirca occidentalis</i>	Western leatherwood			X	
<i>Eriogonum luteolum</i> var. <i>caninum</i>	Tiburon buckwheat	X	X		
<i>Eriogonum truncatum</i>	Mt. Diablo buckwheat		X		
<i>Eriogonum umbellatum</i> var. <i>bahiiforme</i>	bay buckwheat			X	
<i>Eriophyllum jepsonii</i>	Jepson's woolly sunflower			X	
<i>Fritillaria agrestis</i>	stinkbells	X	X		
<i>Galium andrewsii</i> ssp. <i>gatense</i>	phlox-leaf serpentine bedstraw			X	
<i>Hesperavax caulescens</i>	hogwallow starfish		X		

Scientific Name	Common Name	Lack of Serpentine (S) or Alkaline (A) Soils	Lack of Other Edaphic Requirements	Outside Elevation Range for Species	Specific Habitat Type Not Present on Site
<i>Hesperolinon breweri</i>	Brewer's western flax	X			
<i>Hoita strobilina</i>	Loma Prieta hoita	X			
<i>Holocarpha macradenia</i>	Santa Cruz tarplant		X		
<i>Horkelia cuneata</i> ssp. <i>sericea</i>	Kellogg's horkelia				X
<i>Iris longipetala</i>	coast iris				X
<i>Lasthenia conjugens</i>	Contra Costa goldfields		X		
<i>Lasthenia ferrisiae</i>	Ferris' goldfields				X
<i>Leptosiphon acicularis</i>	bristly leptosiphon		X		
<i>Leptosiphon ambiguus</i>	serpentine leptosiphon	X		X	
<i>Leptosiphon grandiflorus</i>	large-flowered leptosiphon		X		
<i>Lessingia tenuis</i>	spring lessingia			X	
<i>Malacothamnus hallii</i>	Hall's bush-mallow				X
<i>Meconella oregana</i>	Oregon meconella			X	
<i>Micropus amphibolus</i>	Mt. Diablo cottonweed		X		
<i>Microseris sylvatica</i>	sylvan microseris	X			
<i>Monardella antonina</i> ssp. <i>antonina</i>	San Antonio Hills monardella			X	
<i>Monardella villosa</i> ssp. <i>globosa</i>	robust monardella			X	
<i>Monolopia gracilens</i>	woodland woollythreads			X	
<i>Navarretia cotulifolia</i>	cotula navarretia		X		
<i>Navarretia myersii</i> ssp. <i>myersii</i>	pincushion navarretia				X
<i>Navarretia nigelliformis</i> ssp. <i>nigelliformis</i>	adobe navarretia			X	
<i>Phacelia phacelioides</i>	Mt. Diablo phacelia			X	
<i>Piperia michaelii</i>	Michael's rein orchid				X
<i>Plagiobothrys diffusus</i>	San Francisco popcorn-flower			X	
<i>Plagiobothrys glaber</i>	hairless popcorn-flower		X		
<i>Polemonium carneum</i>	Oregon polemonium				X
<i>Potamogeton filiformis</i>	slender-leaved pondweed			X	
<i>Psilocarphus brevissimus</i> var. <i>multiflorus</i>	Delta woolly-marbles				X
<i>Ranunculus lobbii</i>	Lobb's buttercup				X
<i>Sanicula maritima</i>	adobe sanicle	X	X		

Scientific Name	Common Name	Lack of Serpentine (S) or Alkaline (A) Soils	Lack of Other Edaphic Requirements	Outside Elevation Range for Species	Specific Habitat Type Not Present on Site
<i>Sanicula saxatilis</i>	rock sanicle			X	
<i>Streptanthus albidus</i> ssp. <i>peramoenus</i>	most beautiful jewel-flower	X			
<i>Streptanthus hispidus</i>	Mt. Diablo jewel-flower			X	
<i>Suaeda californica</i>	California seablite			X	
<i>Trifolium depauperatum</i> var. <i>hydrophilum</i>	saline clover		X		
<i>Triquetrella californica</i>	coastal triquetrella				X
<i>Viburnum ellipticum</i>	oval-leaved viburnum			X	