Appendix C:
Biological Resources Supporting Information

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LIVE OAK
ASSOCIATES, INC.

LESTER AND SHRINER'S PROPERTY
(HIDDEN CANYON PROJECT)
BIOLOGICAL EVALUATION
CITY OF PLEASANTON, CALIFORNIA

Prepared by

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Prepared for

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April 23, 2025 PN 1851-02

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EXECUTIVE SUMMARY

Live Oak Associates, Inc., investigated the biological resources of the approximately 128.5-acre Lester and Shriner's (Hidden Canyon) project site located at 11033 Dublin Canyon Road in the Town of Pleasanton, Alameda County, California.

The proposed project consists of the grading and development of approximately 23.9 acres of the eastern portion of the approximately 128.5-acre site. The remaining 104.6 acres would be preserved, including Parcel A (owned and managed by the HOA), Parcel B (approximately 69 acre dedicated to East Bay Regional Park District (EBRPD)) and Parcel C (approximately 7.5 acres) to be retained by the Lester Family under a life estate with future dedication to EBRPD. The project will also include the construction of an 18" outfall that will drain into the west side of Devaney Creek and a 24" outfall that drains into the east side of Devaney Creek near the vicinity of Dublin Canyon Road. Specific design details for the outfalls have not yet been determined.

The most prevalent habitat on the site is California annual grassland that is used as rangeland for cattle grazing, but seasonal wetland habitat occurs in the northern portion of the site and riparian habitat associated with Devaney Creek and its unnamed tributary also occurs in the southern half of the site. A small area that is developed with residential and ranch structures occurs in the southeastern corner of the site.

Rare animals that have potential to occur on the site include the California red-legged frog, Alameda whipsnake, golden eagle, western burrowing owl, and American badger. Surveys for the Callippe silverspot butterfly's host plant viola (*Viola pedunculata*) were negative and therefore the butterfly is presumed absent from the site.

All rare plant species were ruled out as occurring on the site via focused surveys, except for Congdon's tarplant, a focal species of the East Alameda County Conservation Strategy (EACCS), which was confirmed to be present within both the proposed project grading footprint and proposed conservation areas. The preservation and management of the onsite open space area would contribute to the conservation of the Congdon's tarplant.

Tributary waters under the jurisdiction of the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) are present on the site in the form of Devaney Creek and its unnamed intermittent tributary. Additionally, isolated seasonal wetlands occur in the northern portion of the site near Dublin Canyon Road. The seasonal wetlands were disclaimed by USACE in 2017. A Preliminary Jurisdictional Determination was issued by the USACE on August 15, 2024, where they accepted all features on site as under their jurisdiction including seasonal wetlands (0.54 acres), tributary waters (1.48 acres and 6,997 lf), seasonal wetland gulley (0.001 acres and 71 lf), and a roadside ditch (0.06 acres and 266 lf). The RWQCB would likely consider these wetlands and tributary waters as jurisdictional. Suitable avoidance, minimization and compensation measures would be required to accommodate any impacts to these features. Acceptable mitigation measures include the creation of replacement habitat, habitat enhancement and/or the preservation of existing habitat via a conservation easement at a replacement-to-disturbance ratio that replaces lost functions and values including any temporal loss.

The removal of trees should be mitigated according to the formula provided in the Town's tree ordinance. Trees to be retained onsite should be protected pursuant to tree preservation guidelines.

Impacts to habitat for special status plants, native wildlife (see discussion on the California red-legged frog and Alameda whipsnake below) and wildlife movements would be less-than-significant as the conservation of up to 104.6 acres of high-quality habitat offsets any potential loss of habitat for these species or ecological processes including both EBRPD and onsite open space lands. The project would implement standard BMPs during construction and design of the project so as not to result in any significant degradation of water quality in seasonal creeks, reservoirs, and downstream waters.

Impacts to the California red-legged frog and Alameda whipsnake would be offset by avoidance and minimization measures aimed at reducing or eliminating harm, injury or death of individuals during construction and via compensation for lost habitat by preserving up to 104.6 acres of high-quality habitat within the open space element of the project.

Implementation of avoidance, minimization and compensation measures will mitigate all potentially significant biological impacts to a less than significant level and ensure that the project is in compliance with the EACCS.

TABLE OF CONTENTS

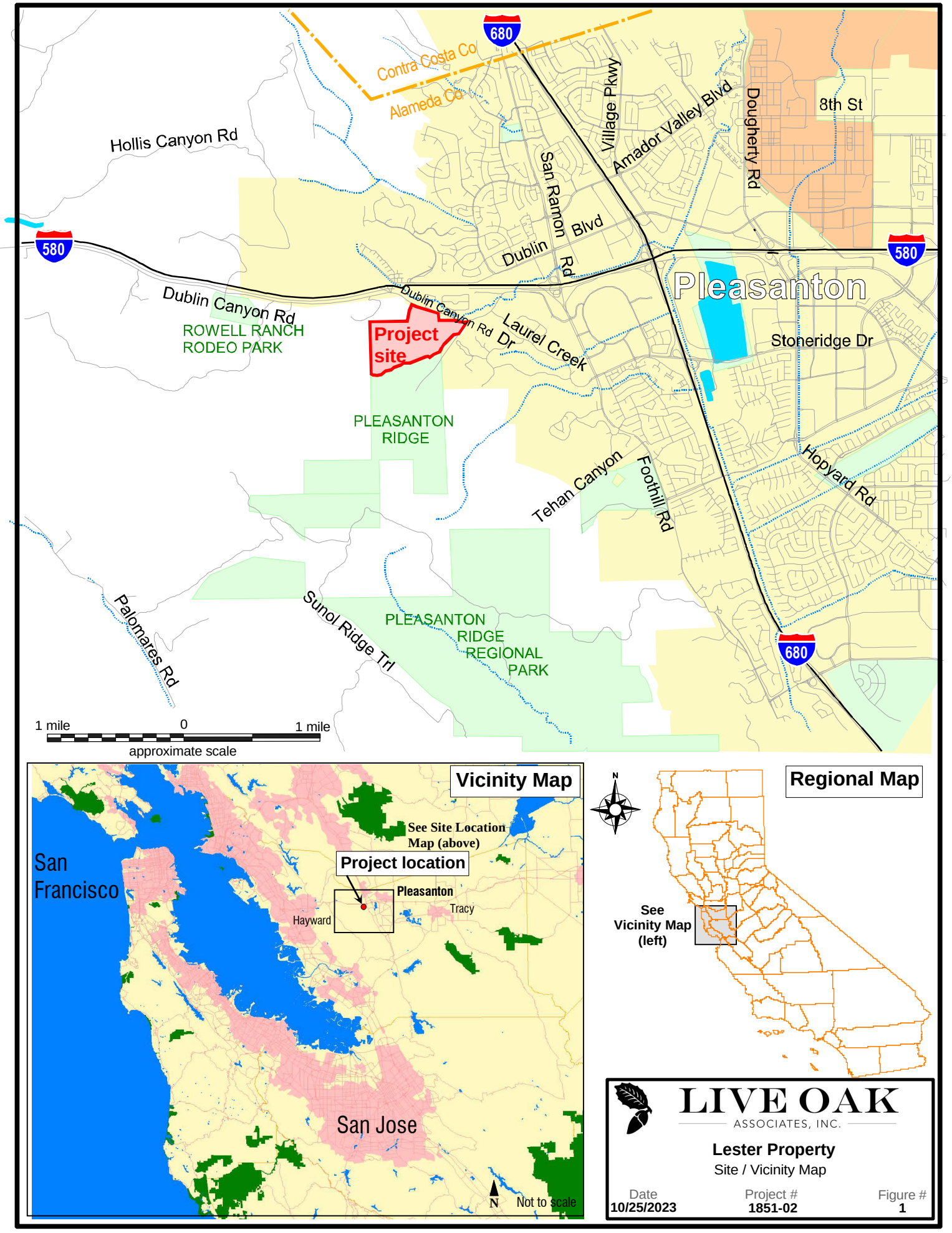
1 INTRODUCTION

Live Oak Associates, Inc. (LOA), has prepared the following report, which describes the biotic resources of the approximately 128.5-acre Lester and Shriner's (Hidden Canyon) project site located at 11033 Dublin Canyon Road in the Town of Pleasanton, Alameda County, California (Figure 1), and evaluates likely impacts to these resources resulting from site development. The project site is located in the Dublin 7.5" U.S. Geological Survey (USGS) quadrangle, and is described by the Public Land Survey system as being in the northeast ¼ of Section 10, Township 3 South, Range 1 West of the Mt. Diablo Meridian; in the northwest ¼, northwest ¼ of Section 11, Township 3 South, Range 1 West of the Mt. Diablo Meridian; and in the South ½, Southeast ¼ of Section 3, Township 3 South, Range 1 West of the Mt. Diablo Meridian.

Development activities can damage or modify biotic habitats used by sensitive plant and wildlife species. In such cases, these activities may be regulated by state or federal agencies, subject to provisions of the California Environmental Quality Act (CEQA), and/or covered by policies and ordinances of the City of Pleasanton. This report addresses issues related to 1) sensitive biotic resources occurring on the site; 2) the federal, state, and local laws regulating such resources, and 3) mitigation measures which may be required to reduce the magnitude of anticipated impacts. As such, the objectives of this report are to:

- Summarize all site-specific information related to existing biological resources;
- Make reasonable inferences about the biological resources that could occur on the site based on habitat suitability and the proximity of the site to a species' known range;
- Summarize all state and federal natural resource protection laws that may be relevant to possible future site development;
- Identify and discuss project impacts to biological resources likely to occur on the site within the context of CEQA or any state or federal laws; and

Identify avoidance and mitigation measures that would reduce impacts to a less-than-significant level as identified by CEQA and that are generally consistent with recommendations of the resource agencies for affected biological resources.



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Lester Property
Site / Vicinity Map

Date	Project #	Figure #
10/25/2023	1851-02	1

The analysis of impacts, as discussed in Section 3.0 of this report, is based on the known and potential biotic resources of the site, discussed in Section 2.0. Sources of information used in the preparation of this analysis included: 1) the California Natural Diversity Data Base (CDFW 2023), 2) the Inventory of Rare and Endangered Vascular Plants of California (CNPS 2023), 3) the East Alameda County Conservation Strategy (EACCS), and 4) manuals and references related to plants and animals of Alameda County. Several surveys have been conducted on the site beginning with an initial reconnaissance-level field survey of the study area on May 30, 2014, by LOA ecologists Katrina Krakow and Jeff Campbell, at which time the principal biotic habitats of the site were identified, and the constituent plants and animals of each were noted. Additional surveys were conducted on the site by LOA in 2015, 2016, 2017, 2019, and 2023 for conducting focused surveys for special status plants and animals, and a formal delineation of potentially regulated habitats such as wetlands.

The Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), a special status species, was first detected by LOA ecologists on September 15, 2014. LOA plant ecologists completed a total of nine Congdon's tarplant surveys over the years 2014, 2016, 2019, and 2023. These surveys were conducted within the blooming period of the Congdon's tarplant, specifically during September 15 and 30, 2014, September 15, 2016, October 10, 2017, and August 26, 2019. In 2023, four plant surveys were conducted on August 18 and 31 as well as September 15 and 28. LOA plant ecologists identified and mapped the extent of populations occurring throughout the site. Additionally, LOA ecologists estimated population numbers, identified new populations, and noted phenological states of recorded populations.

Regarding the potential for special status animal species to occur on the site, a habitat assessment for California red-legged frog (*Rana draytonii*; CRLF), western pond turtle (*Actinemys marmorata*), and Alameda whipsnake (*Masticophis lateralis euryxanthus*) was conducted on the site on March 28, 2014, by LOA senior associate herpetologist Dr. Mark Jennings. A Callippe silverspot butterfly habitat assessment survey (i.e. a survey for the species' host plant Viola pedunculata) was conducted on the site by LOA senior associate entomologist Dr. Raymond White on March 13, 2015.

LOA ecologists conducted several formal wetland delineations on the site, including delineation surveys on April 27 and May 19, 2015, and a follow up delineation on June 14 and June 28, 2016.

An Approved Jurisdictional Determination (AJD) was subsequently issued by USACE on September 25, 2017, where the USACE claimed Devaney Creek and its unnamed tributary as jurisdictional to the extent of the Ordinary High-Water mark (OHWM) on opposing banks and disclaimed isolated seasonal wetlands occurring in the northern portion of the site. Considering the expiration of an AJD, LOA ecologist Dr. Arren Allegretti conducted a formal wetland delineation on June 15 and 16, 2023. On August 15, 2024, the USACE issued a Preliminary Jurisdictional Determination (PJD) that identified all aquatic features as jurisdictional including seasonal wetlands (0.54 acres), tributary waters (1.48 acres and 6,997 lf), seasonal wetland gulley (0.001 acres and 71 lf), and a roadside ditch (0.06 acres and 266 lf).

Tree surveys were conducted on the site by Hort Science/Bartlett Consulting in December 2014 and November 2020, and a tree report was prepared (Hort Science/Bartlett Consulting December 2020). The tree survey included all trees occurring within the grading limits of the project that were more than 6 inches in trunk diameter. In total, 208 trees were surveyed.

1.1 PROJECT DESCRIPTION

The project consists of the annexation, rezoning, and subdivision of the project site to build 30 single-family residential lots (28 new lots and relocation of 2 existing home sites), along with associated roadways and other associated infrastructure, as well as a multi-use trail and associated staging area, on the project site (RJA 2020). Grading for the project and trail would impact approximately 23.9 acres. The remaining 104.6 acres would be preserved, including Parcel A (owned and managed by the HOA), Parcel B (approximately 69 acre dedicated to East Bay Regional Park District (EBRPD)) and Parcel C (approximately 7.5 acres) to be retained by the Lester Family under a life estate with future dedication to EBRPD.

The proposed developed area would be on the hillsides in the eastern and central areas of the project site and the remaining areas to the south and west of the project site would be preserved as open space. Residential lots would range in size from 7,500 square feet (0.18 acre) to 44,520 square feet (1.10 acre). The gated residential subdivision would include 28 new single-family

homes located between Devaney Creek and Dublin Canyon Road and two additional lots/new homes to replace the existing homes owned by the Lester family at 11033 and 11021 Dublin Canyon Road, located on the northeast side of the project site. The two replacement homes are intended to be retained by the Lester family. The proposed site plan includes bio-retention areas for on-site stormwater management near the main entrance from Dublin Canyon Road, along internal private "Street A," throughout the project site within the lots.

The project will also include the construction of an 18" outfall that will drain into the west side of Devaney Creek and a 24" outfall that drains into the east side of Devaney Creek near the vicinity of Dublin Canyon Road. Specific design details for the outfalls have not yet been determined.

The project also includes the construction of an approximately eight-foot-wide publicly-accessible multi-use trail and an associated staging area in the eastern portion of the site within lands to be dedicated to EBRPD. The staging area is proposed to be set back approximately 350 feet from Dublin Canyon Road and would include a paved parking lot with 18 automobile spaces and one pull-through space for vehicles with trailers, a vault restroom, water fountain, and horse trough. The access road to the staging area would include a 5' sidewalk and on-street parking to accommodate 10-12 automobiles on one side. The staging area would provide access to a new EBRPD trail connecting south through the subject property to trails within Pleasanton Ridge Regional Park. The proposed location for this dirt trail has been provided by EBRPD and will be constructed by the developer of the project.

The proposed project would also involve the construction of new internal roadways. Three new internal roadways, "Street A," "Street B," and "Court C" are proposed, which would provide connection to the project site from Dublin Canyon Road. "Street A" would provide a 20-21-foot-wide emergency vehicular access via Dublin Canyon Road and extend southwest within the project site to its terminus past "Court C." "Street B" is the main entrance to the project site and is proposed to be gated access. "Street B" connects to Dublin Canyon Road west of "Street A" and extends south within the project site for connection to "Street A." A public roadway located on the northeastern portion of the project site connects via Dublin Canyon Road and provides

access to the proposed EBRPD staging area. A new traffic signal is proposed for the existing intersection of Canyon Meadows Drive and Dublin Canyon Road and the existing electric power poles located along the project frontage are proposed to be removed and utilities placed underground. New retaining walls will be constructed on the south side of Dublin Canyon Road in the vicinity of this intersection to accommodate the new left turn lane for this new signal.

The project will also provide 5-6’ wide bike lanes on both sides of Dublin Canyon Road along its frontage.

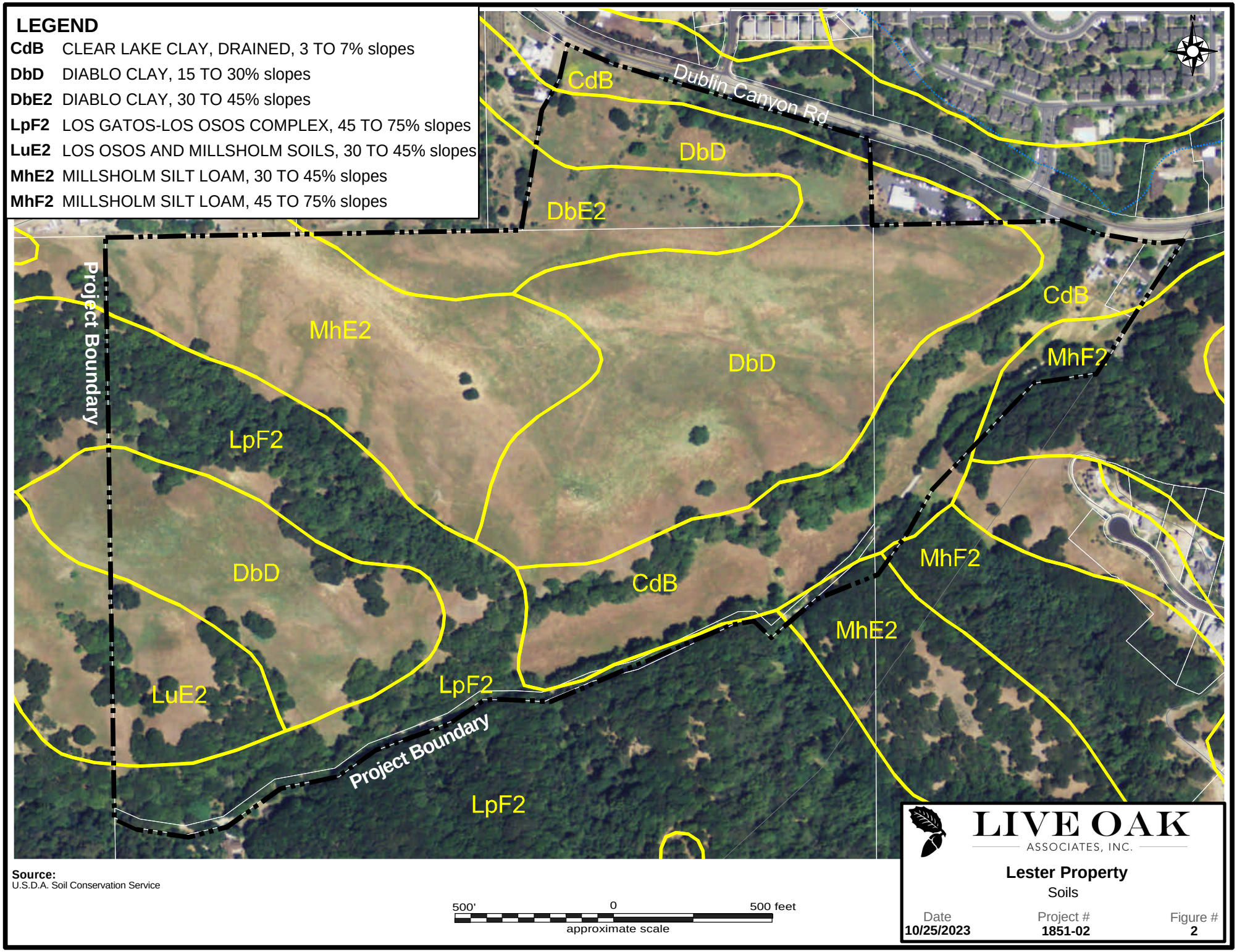
2 EXISTING CONDITIONS

The project site is located at 11033 Dublin Canyon Road in the City of Pleasanton. The site is bounded by Dublin Canyon Road and residential development to the north, open space, and residential development to the east, and open space to the south and west. The site ranges in elevation from approximately 440 feet (134 m) National Geodetic Vertical Datum (NGVD) at the east end of the site to approximately 730 feet (223 m) NGVD in the west end of the site. The site consists of rangelands with Devaney Creek and its tributary running through it and a small, developed area. Seasonal wetlands occur in the northeastern portion of the property. Surrounding land uses are primarily open space and residential.

Seven soil types from five soil series—Clear Lake, Diablo, Los Gatos, Los Osos, and Millsholm—were identified on the project site (Figure 2; NRCS 2014). Of the five-soil series, Clear Lake and Diablo soils are considered hydric. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Under sufficiently wet conditions, they support the growth and regeneration of hydrophytic vegetation, and seasonal wetlands do occur on Diablo soils in the northern portion of the site. Clear Lake and Diablo soils make up a large portion of the site. The other soil types are not considered hydric, although hydric inclusions may occur. Diablo soils are mildly alkaline, and populations of Congdon's tarplant occur predominantly on this soil type on the site, however, other soils of the site are not known to support edaphic conditions for special status plant species (i.e., the soils of the remainder of the site are neither serpentine nor alkaline).

The East Bay has a Mediterranean climate with warm to hot, dry summers and cool winters. Annual precipitation in the general vicinity of the site is highly variable from year to year. Average annual rainfall is approximately 16 inches, most of which falls between October and April. Stormwater runoff readily infiltrates the site's soils; when field capacity has been reached, gravitational water drains into the seasonal drainages and the creek onsite as shallow groundwater or as surface sheet flow, which then flows into Dublin Creek on the opposite side of Dublin Canyon Road.

TABLE 1. SOILS OCCURRING ON THE LESTER AND SHRINER'S PROJECT SITE (NRCS 2019).					
Soil Series/Soil	**Map Symbol**	**Parent Material**	**Surface Permeability**	**Hardpan/ Duripan**	**Hydric**
Clear Lake Series Clear lake clay	CdB	Fine textured alluvium derived from sandstone and shale	Slow to very slow	No	Yes
Diablo Series Diablo clay, 15 to 30% slopes Diablo clay, 30 to 45% slopes, eroded	DbD DbE2	Alluvium derived from shale and siltstone	Slow	No	Yes
Los Gatos series Los Gatos-Los Osos complex, 30 to 75% slopes, eroded	LpF2	Los Gatos: Residuum weathered from sandstone and shale. Los Osos: Residuum weathered from sandstone and shale, and in some places from conglomerate	Moderate to slow	No	No
Los Osos series Los Osos and Millsholm soils, 30 to 45% slopes, eroded	LuE2	Los Osos: Residuum weathered from sandstone and shale, and in some places from conglomerate. Millsholm: Residuum weathered from sandstone and shale	Slow to moderate	No	No
Millsholm series Millsholm silt loam, 30 to 45% slopes, eroded. Millsholm silt loam, 45 to 75% slopes, eroded	MhE2 MhF2	Residuum weathered from sandstone and shale	Moderate	No	No


LEGEND
CdB CLEAR LAKE CLAY, DRAINED, 3 TO 7% slopes
DbD DIABLO CLAY, 15 TO 30% slopes
DbE2 DIABLO CLAY, 30 TO 45% slopes
LpF2 LOS GATOS-LOS OSOS COMPLEX, 45 TO 75% slopes
LuE2 LOS OSOS AND MILLSHOLM SOILS, 30 TO 45% slopes
MhE2 MILLSHOLM SILT LOAM, 30 TO 45% slopes
MhF2 MILLSHOLM SILT LOAM, 45 TO 75% slopes
Dublin Canyon Rd
Project Boundary
Project Boundary
CdB
DbD
DbE2
MhE2
DbD
CdB
MhF2
LpF2
DbD
CdB
MhF2
MhE2
LuE2
LpF2
LpF2
N
Source:
U.S.D.A. Soil Conservation Service
500'
0
500 feet
approximate scale
LIVE OAK
ASSOCIATES, INC.
Lester Property
Soils
Date
10/25/2023
Project #
1851-02
Figure #
2

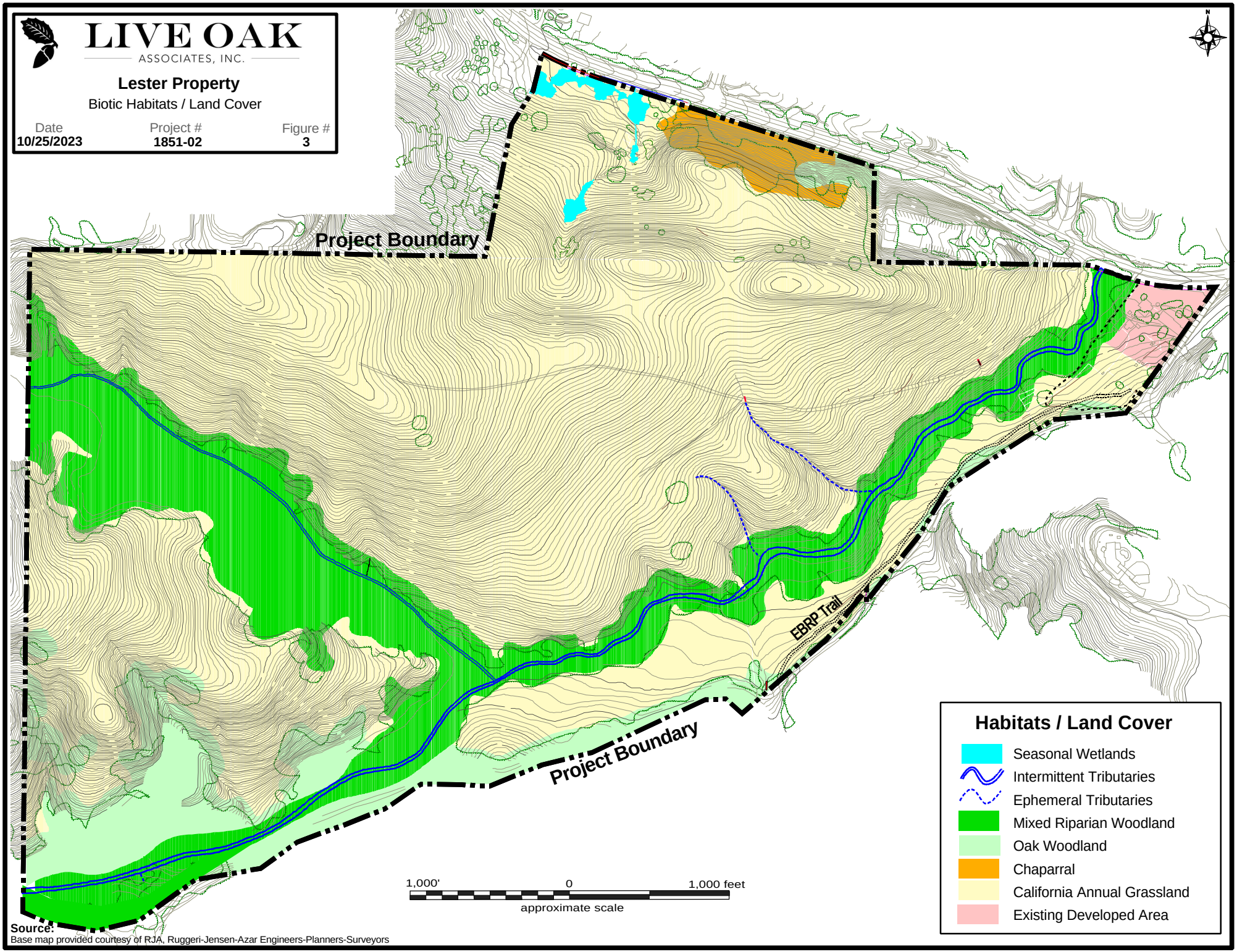
2.1 BIOTIC HABITATS

Five biotic habitats were identified on the project site (Figure 3). For the purposes of this report, the habitats were classified as California annual grassland, mixed riparian woodland, oak woodland, chaparral, and seasonal wetland. In addition to the biotic habitats, a small area of the site is also developed with homes and outbuildings belonging to the Lester family. A list of the vascular plant species observed on the project site and the terrestrial vertebrates using, or potentially using, the site is provided in Appendices A and B, respectively.

2.1.1 California Annual Grassland

The site primarily supports California annual grassland habitat (approximately 89.35 acres) dominated by annual grasses and forbs of European origin. Vegetation identified within the annual grassland habitat of the Lester and Shriner's (Hidden Canyon) project site during site surveys included, but was not limited to, yarrow (Achillea millefolium), common fiddleneck (*Amsinkia intermedia*), chamomile (*Matricaria chamomilla*), mugwort (*Artemisia douglasiana*), wild oats (*Avena fatua*), black mustard (*Brassica nigra*), ripgut brome (*Bromus diandrus*), red brome (*Bromus madritensis ssp. rubens*), Italian thistle (*Carduus pycnocephalus*), bindweed (*Convolvulus arvensis*), annual fireweed (*Epilobium brachycarpum*), California poppy (*Eschscholzia californica*), bedstraw (*Galium* sp.), Great Valley gum plant (*Grindelia camporum*), barley (*Hordeum murinum*), goldentop grass (*Lamarckia aurea*), lupine (*Lupinus sp.*), burclover (*Medicago polymorpha*), wild rose (*Rosa californica*), common sheep sorrel (*Rumex acetosella*), curly dock (*Rumex crispus*), milk thistle (*Silybum marianum*), rose clover (*Trifolium hirtum*), vetch (Vicia sp.), Congdon's tarplant *(Hemizonia parryi ssp. congdonii*), tree of heaven (*Ailanthus altissima*), coast live oak (*Quercus agrifolia*), blue oak (*Quercus douglasii*) and black locust (*Robinia pseudoacacia*). The Lester Property has been grazed by cattle (*Bos taurus*) for several decades and therefore, supports vegetation consistent with grazed areas.

Grasslands provide important habitat to many terrestrial vertebrates. A number of these species are expected to utilize grasslands occurring on the site throughout all or part of the year as breeding and foraging habitat.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ASSOCIATES, INC.
Lester Property
Biotic Habitats / Land Cover
Date
10/25/2023
Project #
1851-02
Figure #
3
Project Boundary
EBRP Trail
Project Boundary
1,000'
0
1,000 feet
approximate scale
Habitats / Land Cover
Seasonal Wetlands
Intermittent Tributaries
Ephemeral Tributaries
Mixed Riparian Woodland
Oak Woodland
Chaparral
California Annual Grassland
Existing Developed Area
Source:
Base map provided courtesy of RJA, Ruggeri-Jensen-Azar Engineers-Planners-Surveyors

Several reptile species forage in grasslands for insects, birds, and small mammals. These include the western fence lizard *(Sceloporus occidentalis*), California alligator lizard (*Elgaria multicarinata*), gopher snake (*Pituophis catenifer*), California kingsnake (*Lampropeltis californiae*), which was observed during the May 30, 2014, site visit, and northern Pacific rattlesnake (*Crotalus oreganus oreganus*). It is possible that the Alameda whipsnake (*Masticophis lateralis euryxanthus*) may use this habitat, as it may use grasslands of the site for movement between woodlands and chaparral on and off the site and for foraging, as the site is located within critical habitat as designated by the USFWS (50 CFR 17 58933-58962) for the Alameda whipsnake.

Numerous resident and migratory birds breed and forage in grassland habitats. Avian species observed in this habitat during the May 30, 2014 site visit include the turkey vulture (*Cathartes aura*), red-tailed hawk (*Buteo jamaicensis*), wild turkey (*Meleagris gallopavo*) (wild turkeys were observed nesting in the grasslands of the site during the 2014 site visit), northern flicker (*Colaptes auratus*), Steller's jay (*Cyanocitta stelleri*), black phoebe (*Sayornis nigricans*), barn swallow (*Hirundo rustica*), cliff swallow (*Petrochelidon pyrrhonota*), western bluebird (*Sialia mexicana*), California towhee (*Melozone crissalis*), Bullock's oriole (*Icterus bullockii*) and American goldfinch (*Carduelis tristis*).

Mammals either directly observed, or for which evidence of their presence was observed (scat, tracks, etc.) during site surveys was limited to Botta's pocket gopher (*Thomonys bottae*), coyote (*Canis latrans*), black-tailed deer (*Odocoileus hemionus columbianus*) and domestic cattle. California ground squirrels (*Otospermophilus beecheyi*) and their burrows were not observed during the 2014 site visit due largely to an on-going ground squirrel eradication effort on the ranch for several years (pers. comm. Mr. Lester). Although not observed, other small mammals that may occur in this habitat include the western harvest mouse (*Reithrodontomys megalotis*) and California meadow vole (*Microtus californicus*).

The occurrence of small mammals usually attracts predators, including reptiles such as snakes and birds such as raptors and loggerhead shrikes, as previously discussed. Medium and large mammalian predators also expected to occur on the site due to available prey include gray fox (*Urocyon cinereoargenteus*), bobcat (*Lynx rufus*) and cougar (*Puma concolor*).

2.1.2 Mixed Riparian Woodland

Riparian habitat (approximately 23.4 acres) with a relatively dense, closed canopy is associated with Devaney Canyon Creek, which is an intermittent stream fed by springs and runoff water. This creek system begins as two main channels with a few other drainages feeding the creek. During the May 2023 waters delineation survey, Devaney Creek conveyed water in sections within the property boundary. In previous years including the May 2014 survey, Devaney Creek conveyed water intermittently with some areas supporting flowing water while other areas were dry; feeder channels were also dry during the site visit.

The riparian overstory was dominated by California bay (*Umbellularia californica*) and a mix of other species, such as coast live oaks, California buckeye (*Aesculus californica*), madrone (*Arbutus menziesii*), fig (*Ficus carica*), walnut, sycamore (*Platanus racemosa*), elderberry (*Sambucus nigra ssp. caerulea*) occurred in the overstory. Understory vegetation included coyote brush, Italian thistle, bull thistle (Cirsium *vulgare*), miner's lettuce (*Claytonia perfoliata*), bedstraw, wild cucumber (*Marah fabaceous*), sticky monkey flower (*Diplacus aurantiacus*), gooseberry (*Ribes sp.*), California blackberry (*Rubus ursinus*), sowthistle, snowberry (*Symphoricarpos albus var. laevigatus*), hedge parsley, poison-oak (*Toxicodendron diversilobum*), stinging nettle (*Urtica dioica*) and periwinkle (*Vinca major*). The channel beds themselves were largely devoid of vegetation, with one of the culverted drainages supporting similar overstory to the riparian habitat and similar understory to the non-native annual grassland habitat with the addition of poison hemlock, rabbits foot grass (*Polypogon monspieliensis*) and stinging nettle.

Riparian systems serve as dispersal corridors and islands of habitat for several wildlife species, particularly for smaller vertebrates such as amphibians and reptiles. The onsite drainages that convey water provide a seasonal source of drinking water for species occurring in the surrounding habitats and, when wet, also provide breeding habitat for Pacific treefrogs (*Hyla regilla*), and potential movement habitat for the California red-legged frog (*Rana draytonii*). Leaf litter and decaying logs provide a moist microclimate suitable for amphibians such as the Pacific treefrog, slender salamander (*Batrachoseps attenuatus*), arboreal salamander (*Aneides lugubris*), California newt (*Taricha torosa*) and yellow-eyed ensatina (*Ensatina eschscholtzii xanthoptica*).

Reptiles that may utilize riparian systems include the skilton skink (*Eumeces skiltonianus skiltonianus*), California alligator lizard, gopher snake and California kingsnake.

Many resident and migratory bird species occur in riparian habitats. Birds observed in the riparian woodland during the May 30, 2014, site visit include the Steller's jay, oak titmouse (*Baeolophus inornatus*), chestnut-backed chickadee (*Poecile rufescens*), bushtit (*Psaltriparus minimus*), dark-eyed junco (*Junco hyemalis*) and house finch (*Carpodacus mexicanus*). Other species expected to occur in this habitat include the Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), great horned owl (*Bubo virginianus*), Anna's hummingbird (*Calypte anna*), downy woodpecker (*Picoides pubescens*), Nuttall's woodpecker (*Picoides nuttallii*) and Bullock's oriole, as well as species expected to occur in the surrounding habitats.

The structural and faunal diversity of riparian habitat on the site provides an abundant food source for a variety of mammalian species. For example, the deer mouse (*Peromyscus maniculatus*) feeds on soil-dwelling larvae as well as on a variety of seeds and leaves. Other constituent mammals of riparian woodlands include the brush rabbit (*Sylvilagus bachmani*), eastern fox squirrel (*Sciurus niger*), which was observed during the May 2014 site visit, western gray squirrel (*Sciurus griseus*) and raccoon (*Procyon lotor*). Cattle have been observed between 2014 and 2023.

2.1.3 Oak Woodland

Relatively small areas of oak woodland (approximately 10.4 acres) are associated with the project, existing along the southeastern and southwestern edges of the project, and a small area along Dublin Canyon Road. The overstory of this habitat was dominated by coastal live oak and included tree of heaven, elderberry, and California bay among other species. Species observed in the oak woodland understory included ripgut brome, gooseberry, California blackberry, bedstraw, hedge parsley, poison-oak, snowberry, and ferns.

Wildlife inhabiting the surrounding grasslands and riparian woodlands would also be expected to occur within this habitat.

2.1.4 Chaparral

Chaparral scrub habitat (approximately 1.85 acres) occurs along Dublin Canyon Road and included yarrow, coyote brush, sticky monkeyflower, poison-oak, coast live oak, elderberry and mule's ears (*Wyethia sp.*), among other plants. Wildlife species expected to occur in the surrounding habitats could occasionally pass through this patch as well.

2.1.5 Developed

Two houses with associated outbuildings and landscaping/gardens exist within the northeastern corner of the property. The developed portion of the site (approximately 1.42 acres) supports mainly non-native landscaped or edible plants and some non-native invasive plants, including asparagus (Asparagus officinalis), wild oats, black mustard, ripgut brome, soft chess (*Bromus hordeaceus*), Italian thistle, cotoneaster (*Cotoneaster sp.*), cedar (*Cedrus sp.*), bull thistle, Miner's lettuce, loquat (*Eriobotraya japonica*), filaree (*Erodium sp.*), California poppy, Italian rye grass, fig, strawberry (*Fragaria sp.*), English ivy (*Hedera helix*), barley (*Hordeum sp.*), hydrangea (*Hydrangea macrophylla*), iris (*Iris sp.*), juniper (*Juniperus sp.*), privet (*Ligustrum sp.*), magnolia (*Magnolia grandiflora*), apple (*Malus domestica*), mallow (*Malva sp.*), petunia (*Petunia integrifolia*), pine (*Pinus sp.*), smilo grass (*Piptatherum miliaceum*), Toriba (*Pittosporum toriba*), pomegranate (*Punica granatum*), apricot (Prunus *armeniaca*), peach (*Prunus persica*), prunus (*Prunus sp.*), quince (*Pseudocydonia sinensis*), Himalayan blackberry (*Rubus armeniacus*), rabbits foot grass, garden rose (*Rosa sp.*), sage (*Salvia sp.*), sowthistle, lilac (*Syringa vulgaris*), hedge parsley, clover (*Trifolium sp.*), vetch, grape (*Vitis sp.*) and wisteria (*Wisteria sinensis*).

The only animal species observed within the developed habitat during the May 30, 2014, site visit included domestic chickens (*Gallus Gallus*), Steller's jay, American crow (*Corvus brachyrhynchos*), house finch and domestic dog (*Canis familiaris*). Raccoons, striped skunks (*Mephitis mephitis*) and other species expected to occur in adjacent habitats would be expected to occur within the developed habitat as well. Residences and outbuildings do not support suitable habitat for roosting bats, although bats may forage over the site.

2.1.6 Seasonal Wetland

A total of 0.54 acres of seasonal wetlands occur in the northern portion of the site near Dublin Canyon Road (Figure 3). These seasonal wetlands covered approximately 0.54 acres, and met the

criteria of wetlands, including the presence of dominant hydrophytic vegetation, hydric soils, and wetland hydrology (USACE PJD August 15, 2024).

Onsite seasonal wetlands were identified in the revised 2016 Waters of the U.S. map. but were considered isolated by the USACE in 2017 (Appendix F). However, 2023 conditions show that these seasonal wetlands appear to be hydrologically connected to Dublin Creek. The US National Hydrography Dataset (USGS 2023) illustrates the conveyance of ephemeral flows from these seasonal wetlands to Dublin Creek just past the northern boundary of the site. Additionally, these seasonal wetlands appear to have a contiguous surface connection to an off-site roadside ditch that drains into two large culverts conveying flows underneath Dublin Canyon Road and appearing to contribute flows to Dublin Creek. Based on a 2023 site visit the USACE issued a PJD on August 15, 2024 and accepted all features on site as under their jurisdiction including seasonal wetlands (0.54 acres), tributary waters (1.48 acres and 6,997 lf), seasonal wetland gulley (0.001 acres and 71 lf), and a roadside ditch (0.06 acres and 266 lf).

Similar to the 2016 survey, all of these seasonal wetlands were completely dry and dominated by non-native wetland species including poison hemlock (*Conium maculatum*) and perennial wildrye (*Festuca perennis*). Other vegetation included Irisleaf rush (*Juncus xiphiodes*). Other non-dominant vegetation included rabbitsfoot grass (*Polypogon monspeliensis*), mugwort (*Artemisia douglasiana*), and curly dock (*Rumex crispus*).

A seasonal wetland gully conveyed flows from upslope seasonal wetland swales to downslope seasonal wetland swales. Dilapidated pipes occurred within these gullies, indicating either current or remnant water conveyance usage. This seasonal wetland gully exhibited an unstable bank and bed mostly barren of vegetation. However, the bed supported some hydrophytic vegetation including hyssop loosestrife (*Lythrum hyssopifolia*), scarlet pimpernel (*Lysimachia arvensis*), and rabbits foot grass. Prominent redoximorphic features were evident in the soil profile indicating hydric soils. Wetlands hydrology indicators included the presence of reduced iron, drainage patterns, and saturation visible on aerial imagery.

The source of hydrology for one of the seasonal wetlands is a drainage that occurs off-site to the west on the adjacent property. Water from the adjacent property enters the site within a swale that lacks a defined bed and bank. These waters percolate into the soils on the site and within a

low depression along the shoulder of Dublin Canyon Road adjacent to the site's northern boundary. Because these seasonal wetlands were dominated by non-native vegetation and only appear to be inundated immediately following heavy storm events, these features would not be expected to provide high habitat value for native wildlife over and above that of surrounding annual grassland habitats. The species expected to occur in this habitat would be similar to those occurring in the surrounding upland habitats.

2.2 MOVEMENT CORRIDORS

Habitat corridors are vital to terrestrial animals for connectivity between core habitat areas (i.e., larger intact habitat areas where species make their living). Connections between two or more core habitat areas help ensure that genetic diversity is maintained, thereby diminishing the probability of inbreeding depression and geographic extinctions. This is especially true in fragmented landscapes and the surrounding urbanized areas as found in the rural/urban matrix along the edges of the City of Dublin.

The quality of habitat within the corridors is important. "Better" habitat consists of an area with minimal human interference (e.g., roads, homes, etc.) and is more desirable to more species than areas with sparse vegetation and high-density roads. Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. With increasing encroachment of humans on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, that allow animals to access locations containing various biotic resources essential to maintaining their life cycles.

Healthy riparian areas that support structural diversity, (i.e., herbaceous, vine, and woody shrub and riparian tree layers) have a high biological value. They not only support a rich and diverse wildlife community but have also been shown to facilitate regional wildlife movement. Riparian areas can vary from tributaries winding through scrubland to densely vegetated riparian forests.

A riparian zone can be defined as an area that has a source of fresh water (e.g., rill, stream, river), a defined bed and bank, and upland areas consisting of moist soils (e.g., wetter than would be expected from seasonal rainfall). These areas support a characteristic suite of vegetative species, many of which are woody, that are adapted to moist soils. Such vegetation in hills surrounding

Dublin include California buckeye (*Aesculus californica*), blue elderberry (*Sambucus cerulea*), California black walnut (*Juglans hindsii*), California laurel (*Umbellularia californica*), toyon (*Heteromeles arbutifolia*), oaks (*Quercus spp.*), and willows (*Salix* spp.).

Five functions of corridors, rather than physical traits, are relevant when analyzing the value of linkages (Beier and Loe, 1992). These five functions used to evaluate the suitability of a given property for use as a habitat corridor are as follows:

1. Wide ranging mammals can migrate and find mates;
2. Plants can propagate within the corridor and beyond;
3. Genetic integrity can be maintained;
4. Animals can use the corridor in response to environmental changes or a catastrophic event;
5. Individuals can recolonize areas where local extinctions have occurred.

A corridor is "wide enough" when it meets these functions for the suite of animals in the area. It is important to note that landscape linkages are used differently by different species. For instance, medium to large mammals (or some bird species) may traverse a corridor in a matter of minutes or hours, while smaller mammals or other species may take a longer period of time to move through the same corridor (e.g., measured in days, weeks and even years). Landscape linkages are not simply highways that animals use to move back and forth. While linkages may serve this purpose, they also allow for slower or more infrequent movement. Width and length must be considered in evaluating the value of a landscape linkage. A long narrow corridor would most likely only be useful to wide ranging animals such as cougars and coyotes when moving between core habitat areas. To the extent practicable, conservation of linkages should address the needs of "passage species" (those species that typically use a corridor for the express purpose of moving from one intact area to another) and "corridor dwellers" (slow moving species such as plants and some amphibians and reptiles that require days or generations to move through the corridor).

The area proposed for conservation supports an intermittent creek with its associated riparian habitat typically identified as wildlife corridors. Section 2.4.4 in the EACCS discusses three types

of habitat connectivity and wildlife linkages: 1) grassland corridors in east Alameda County; 2) aquatic-upland connectivity throughout the EACCS study area; and 3) riparian/stream connectivity throughout the study area.

Grassland Corridors: Although the EACCS mainly discusses grasslands on the eastern side of the county, grasslands on the site provide connectivity across the site along the western edge of Dublin. As I-580 acts as a barrier for some species, it is important to maintain connectivity of grasslands in the region for species using this habitat to maintain "populations and genetic integrity" (ICF International 2010). The EACCS (ICF International 2010) identifies species that may use this type of corridor as California red-legged frog (*Rana draytonii*; in some instances), California ground squirrel (*Otospermophilus beecheyi*), American badger (*Taxidea taxus*), San Joaquin kit fox (*Vulpes macrotis*; although this species is absent on the western side of I-680 in this region), black-tailed deer (*Odocoileus hemionus columbianus*), and other generalist wildlife species.

Aquatic-Upland Corridors: The EACCS discusses aquatic-upland connectivity mainly as a function of the connectivity of ponds to upland habitat and to each other. The site does not support ponds in the development area nor the conservation area, however, potential habitat for California red-legged frogs exists within the onsite creek, which holds water intermittently during summer months; for any California red-legged frogs occurring in these areas, upland habitat of the site may be an important aspect of their overall habitat use.

Riparian/Stream Corridors: The site is within the Gold Creek Watershed as shown in Figure 2-7 of the EACCS (ICF International 2010). The EACCS identifies species that may use riparian/stream corridors for movement and foraging such as the Alameda whipsnake, San Joaquin kit fox (absent from the site), and California tiger salamander (unlikely to occur on the site), and breeding habitat such as for the California red-legged frog, foothill yellow-legged frog (unlikely to occur on the site), and Central Coast steelhead (absent from the site).

Although the EACCS does not identify landscape-level linkage corridors in the region, the Conservation Lands Network (accessed September 25, 2014), which provides GIS data regarding critical linkages for wildlife, identifies some of the development footprint and much of the

conservation area as an Area of Essential Conservation Goal. It also considers some of the site to be part of a Critical Linkage.

Many wildlife linkages are broad areas of regional movement corridors for wildlife that generally includes a wide swath of land used for movement between two or more core areas for multiple regional species.

The proposed conservation area contains grassland, mixed oak woodland, and mixed riparian woodland. Because the conservation area supports a mosaic of habitats that can be used by many different types of species, the conservation area is likely to act as a movement corridor for more species than other areas supporting a single habitat type. The mosaic of habitats within the proposed conservation area would help to facilitate the movement of wildlife regionally through a known important wildlife linkage/corridor and likely acts as core habitat for multiple regional species. Expanding protected open space in the local vicinity of the project site in the form of the proposed conservation area would help to maintain a portion of this wildlife linkage/corridor in perpetuity.

2.3 SPECIAL STATUS PLANTS AND ANIMALS

Several species of plants and animals within the state of California have low populations and/or limited distributions. Such species may be considered “rare” and are vulnerable to extirpation as the state’s human population grows and the habitats these species occupy are converted to agricultural, urban, and other uses. As described more fully in Section 3.2, state and federal laws have provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting the diversity of plant and animal species native to the state. A sizable number of native plants and animals have been formally designated as “threatened” or “endangered” under state and federal endangered species legislation. Others have been designated as candidates for such a listing. Still others have been designated as “species of special concern” by the CDFW. The California Native Plant Society (CNPS) in collaboration with the CDFW, have developed the California Rare Plant Rank (CRPR) assigned to rare, threatened, or endangered plants which fall under Section 15380 of CEQA (CDFW, 2025). Collectively, these plants and animals are referred to as “special status species.”

Several special status plants and animals occur in the site's vicinity. These species and their potential to occur in the study area are listed in Table 2 on the following pages. Sources of information for this table included California Natural Diversity Data Base (CDFW 2025), Listed Plants and Listed Animals (USFWS 2025, State and Federally Listed Endangered and Threatened Animals of California (CDFW 2025), and The California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (CNPS 2025). This information was used to evaluate the potential for special status plants and animal species to occur on the site.

A search of published accounts for all relevant special status plant and animal species was conducted for the Dublin USGS 7.5" quadrangle in which the project site occurs and for the eight surrounding quadrangles (Las Trampas Ridge, Diablo, Tassajara, Hayward, Livermore, Newark, Niles, and La Costa Valley) using the California Natural Diversity Data Base Rarefind (CDFW 2025). All species listed as occurring in these quadrangles with CRPR 1A, 1B, 2, 3, or 4 were also reviewed.

Because serpentine and alkaline soils are absent from the site, those species that are uniquely adapted to serpentine or alkaline conditions, such as the alkali milk-vetch (*Astragalus tener var. tener*), chaparral harebell (*Campanula exigua*), woodland woollythreads (Monolopia *gracilens*), most beautiful jewel-flower (*Streptanthus albidus ssp. peramoenus*) and caper-fruited tropidocarpum (*Tropidocarpum capparideum*) are considered absent from the site. Other plant species occur in habitats absent from the study area (e.g., brackish and freshwater marshes, coastal scrub, etc.), occur outside the range of the project site, or occur significantly above or below elevations of the site (440 to 730 ft), and, therefore, are also considered absent from the site. These latter species include the slender silver moss (*Anomobryum julaceum*), Mt. Diablo manzanita (*Arctostaphylos auriculata*), Contra Costa manzanita (*Arctostaphylos manzanita ssp. laevigata*), Hospital Canyon larkspur (*Delphinium californicum ssp. interius*), Hoover's button-celery (*Eryngium aristulatum var. hooveri*), Hall's bush mallow (*Malacothamnus hallii*), Mt. Diablo phacelia (*Phacelia phacelioides*), hairless popcorn-flower (*Plagiobothrys glaber*), Oregon polemonium (*Polemonium carneum*), chaparral ragwort (*Senecio aphanactis*), Mt. Diablo jewel-flower (*Streptanthus hispidus*), slender-leaved pondweed (*Stuckenia filiformis*) and coastal triquetrella (*Triquetrella californica*). Focused rare plant surveys initiated in 2014 confirmed that

all rare plant species having some potential to occur on the site are absent, except for Congdon's tarplant (*Centromadia parryi ssp. congdonii*).

Animals that would also be absent from the site due to unsuitable habitat conditions include the San Bruno elfin butterfly (*Callophrys mossii bayensis*), California black rail (*Laterallus jamaicensis coturniculus*), California clapper rail (*Rallus longirostris obsoletus*), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sternula antillarum browni*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), Alameda song sparrow (*Melospiza melodia pusillula*), saltmarsh wandering shrew (*Sorex vagrans halicoetes*), and saltmarsh harvest mouse (*Reithrodontomys raviventris*).

TABLE 2A: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.
PLANTS (adapted from CDFW 2023 and CNPS 2023)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Large-flowered fiddleneck *Amsinckia grandiflora*	FE, CE, CRPR 1B	Habitat: Cismontane woodland and valley and foothill grasslands. Elevation: 275-550 meters. Blooms: Annual herb; April–May.	**Absent.** Suitable habitat is present on the site. However, the nearest documented occurrence of this species is approximately twelve miles northeast of the site and is presumed extirpated, and this species was not observed during rare plant surveys in 2014, 2016, 2017 2019, and 2023.
Palmate-bracted bird's-beak *Chloropyron palmatum*	FE, CE, CRPR 1B	Habitat: Alkaline soils of chenopod scrub and valley and foothill grasslands. Elevation: 5-155 meters. Blooms: Annual herb; May–October.	**Absent.** Alkaline soils are absent from the site. The nearest documented occurrence of this species is approximately eleven miles east of the site.
Santa Cruz tarplant *Holocarpha macradenia*	FT, CE, CRPR 1B	Habitat: Coastal prairie, coastal scrub, and valley and foothill grasslands, often on clay or sandy soils. Elevation: 10-220 meters. Blooms: Annual herb; June–October.	**Absent.** The site occurs too far inland (i.e., more than five miles) from the known range of this species.
Contra Costa goldfields *Lasthenia conjugants*	FE, CRPR 1B	Habitat: Alkaline soils in mesic valley and foothill grasslands and vernal pools. Elevation: 0-470 meters. Blooms: Annual herb; March–June.	**Absent.** Alkaline soils are absent from the site. The nearest documented occurrences of this species are more than ten miles from the site.
Bent-flowered fiddleneck *Amsinckia lunaris*	CRPR 1B	Habitat: Coastal bluff scrub, cismontane woodland, and valley and foothill grasslands. Elevation: 3-500 meters. Blooms: Annual herb; March–June.	**Absent.** Suitable habitat is present on the site. However, the nearest documented occurrence of this species is more than ten miles north of the site and this species was not observed during the rare plant surveys.

TABLE 2A: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.
PLANTS (adapted from CDFW 2023 and CNPS 2023)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Heartscale *Atriplex cordulata*	CRPR 1B.2	Habitat: Occurs in saline or alkaline soils of chenopod scrub, meadows and seeps, and sandy valley and foothill grassland. Elevation: 0-560 meters. Blooms: Annual herb; April-October.	**Absent.** Suitable habitat for this species is absent from the site. The nearest recorded occurrences are more than seven miles east of the site.
Brittlescale *Atriplex depressa*	CRPR 1B.2	Habitat: Occurs on alkaline clay soils in chenopod scrub, meadows and seeps, playas, valley and foothill grasslands, and vernal pools. Elevation: 1-320 meters. Blooms: Annual herb; April-October.	**Absent**. Suitable habitat for this species is absent from the site. The nearest recorded occurrences are more than nine miles east of the site.
San Joaquin spearscale *Atriplex joaquiniana*	CRPR 1B	Habitat: Occurs in chenopod scrub, meadows and seeps, playas, and valley and foothill grasslands on alkaline soils. Elevation: 1-835 meters. Blooms: Annual herb; April-October.	**Absent.** Suitable habitat for this species is absent from the site. The nearest recorded occurrences are more than four miles east of the site.
Lesser saltscale *Atriplex minuscula*	CRPR 1B.1	Habitat: Occurs in alkaline and sandy soils in chenopod scrub, playas, and valley and foothill grasslands. Elevation: 15-200 meters Blooms: Annual herb; May-October.	**Absent.** Suitable habitat for this species is absent from the site. The nearest recorded occurrences are more than ten miles east of the site.
Big-scale balsamroot *Balsamorhiza macrolepis var. macrolepis*	CRPR 1B	Habitat: Chaparral, cismontane woodland, and valley and foothill grassland, sometimes on serpentine. Elevation: 90-1555 meters. Blooms: Perennial herb; March-June.	**Absent.** Potentially suitable habitat is present on the site, however, rare plant surveys in Fall 2014, 2016, 2017, 2019 and 2023 did not detect this perennial species on the site.

TABLE 2A: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.
PLANTS (adapted from CDFW 2023 and CNPS 2023)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Mt. Diablo fairy lantern *Calochortus pulchellus*	CRPR 1B	Habitat: Chaparral, cismontane woodland, riparian woodland, and valley and foothill grassland. Elevation: 30-840 meters. Blooms: Bulb; April–June.	**Absent.** While potentially suitable habitat is present on the site, the nearest documented occurrences of this species are more than nine miles north of the site and it was not detected during rare plant surveys on the site.
Congdon's tarplant *Centromadia parryi ssp. congdonii*	CRPR 1B	Habitat: Occurs on valley and foothill grasslands on alkaline soils. Elevation: 0-230 meters. Blooms: Annual herb; May-November.	**Present.** This species is confirmed to be present on the site both within areas that will be impacted by the proposed project and areas that are proposed for conservation.
Santa Clara red ribbons *Clarkia concinna ssp. automixa*	CRPR 4	Habitat: Chaparral and cismontane woodland. Elevation: 90-1500 meters. Blooms: Annual herb; April–July.	**Absent.** While suitable habitat for this species is present on the site, the nearest documented occurrence of this species is from 1938 approximately seven miles south of the site and it was not detected during rare plant surveys.
Mt. Diablo buckwheat *Eriogonum truncatum*	CRPR 1A	Habitat: Sandy soils of chaparral, coastal scrub, valley, and foothill grassland. Elevation: 3-350 meters. Blooms: Annual herb; April–September.	**Absent.** While potentially suitable habitat is present, this species is only known to occur on Mt. Diablo and the nearest documented occurrences of this species are more than seven miles north of the site. Species was not detected on the site during rare plant surveys.
Fragrant fritillary *Fritillaria liliacea*	CRPR 1B	Habitat: Cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grasslands. Often occurs on serpentinite. Elevation: 3-410 meters. Blooms: Bulb; February–April.	**Absent.** Serpentine soils are absent from the site; the nearest documented occurrence of this species is more than eight miles from the site; and this species was not detected during rare plant surveys.
Northern California black walnut *Juglans hindsii*	CRPR 1B	Habitat: Occurs in riparian woodland and riparian forest. Elevation: 0-440 meters. Blooms: April–May.	**Absent.** Only one confirmed native occurrence is known. Native status is unknown for other locations. This species was formerly cultivated as a rootstock for walnut orchards and readily hybridizes with agricultural walnuts. It is widely naturalized in cismontane and riparian habitats.

TABLE 2A: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.
PLANTS (adapted from CDFW 2023 and CNPS 2023)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Diablo helianthella *Helianthella castanea*	CRPR 1B	Habitat: Broadleaved upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland. Elevation: 60-1300 meters. Blooms: Perennial herb; March–June.	**Absent.** Potentially suitable habitat is present on the site, however, rare plant surveys in September of 2014 did not detect this perennial species on the site. Follow up surveys in 2016, 2017, 2019 and 2023 continued to fail to detect this species.
Brewer's western flax *Hesperolinon breweri*	CRPR 1B	Habitat: Usually occurs on serpentine soils of chaparral, cismontane woodland, and valley and foothill grassland. Elevation: 30-900 meters. Blooms: Annual herb; May–July.	**Absent.** Serpentine soils are absent from the site. The nearest documented occurrences of this species are more than eleven miles northeast of the site.
Shining navarretia *Navarretia nigelliformis ssp. radians*	CRPR 1B	Habitat: Occurs in cismontane woodlands, valley and foothill grasslands, and vernal pools. Elevation: 76-1000 meters. Blooms: Annual herb; April-July.	**Absent.** While potentially suitable habitat is present, the nearest documented occurrences of this species are more than eleven miles to the east of the site, and it was not detected during rare plant surveys.
Prostrate vernal pool navarretia *Navarretia prostrata*	CRPR 1B	Habitat: Occurs in mesic areas within coastal scrub, meadows and seeps, alkaline valley and foothill grasslands, and vernal pools. Elevation: 15-1210 meters. Blooms: April-July.	**Absent.** Suitable habitat for this species is absent from the site.
Saline clover *Trifolium hydrophilum*	CRPR 1B	Habitat: Marshes and swamps, valley, and foothill grasslands on mesic or alkaline soils, and vernal pools. Elevation: 0-300 meters. Blooms: Annual herb; April–June.	**Absent.** Suitable habitat for this species is absent from the site.

TABLE 2A: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.
PLANTS (adapted from CDFW 2023 and CNPS 2023)
Species Listed as Threatened or Endangered under the State and/or Federal Endangered Species Acts

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Caper-fruited tropidocarpum *Tropidocarpum capparideum*	CRPR 1A	Habitat: Occurs in alkaline soils of valley and foothill grassland. Elevation: 1-455 meters. Blooms: Annual herb; March-April.	**Absent**. Suitable habitat for this species is absent from the site. The nearest documented occurrence of this species dates to 1897.
Oval-leaved viburnum *Viburnum ellipticum*	CRPR 2	Habitat: Chaparral, cismontane woodland, and lower montane coniferous forest. Elevation: 215-1400 meters. Blooms: Deciduous shrub; May–June.	**Absent.** While potentially suitable habitat is present on the site, the nearest documented occurrences of this species are more than ten miles north of the site.

*Explanation of Occurrence Designations and Status Codes
Present: Species observed on the sites at time of field surveys or during recent past.
Likely: Species not observed on the site, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed on the sites, but it could occur there from time to time.
Unlikely: Species not observed on the sites, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed on the sites and precluded from occurring there because habitat requirements were not met.

STATUS CODES

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

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

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Callippe silverspot butterfly *Speyeria callippe callippe*	FE	Occurs on grassy hills surrounding the San Francisco Bay that support the host plant *Viola pedunculata*.	**Absent**. Senior Associate Entomologist Dr. Raymond White surveyed for the host species viola on March 13, 2015, within the appropriate blooming period and *Viola pedunculata* was not observed. Therefore, as the host plant for the Callippe silverspot butterfly is absent from the site, the Callippe silverspot butterfly is also considered to be absent from the site, although individuals may fly over the site from time to time.
Crotch bumble bee	CCE	In California, inhabits open grassland and scrub habitats of the southern 2/3 of California. Historically in, but largely extirpated from the Central Valley. Flight period for queens is late February to late October peaking in April and July; flight period for males and workers is March through September peaking in early July. Constructs nests underground in animal burrows. Overwintering sites are likely in soft soils or in debris or leaf litter.	**Possible.** The site is potentially suitable for the Crotch bumble bee, however, the presence of abundant nectar sources has yet to be assessed. The closest documented observation of this species is more than three miles from the site (CDFW 2025).

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Western bumble	CCE	In California, mainly occurs within the Northern California and the Sierra Nevada ranges within meadows and grasslands and some natural areas within urban environments. There is some indication that the current distribution is potentially restricted to high elevation and coastal areas. Historically occurred from the Channel Islands to the northern California border. Flight period is February to late November, peaking in late June and late September. Tends to construct nest underground in animal burrows on west and south-west facing slopes. Overwintering sites are likely in friable soils or in debris or leaf litter.	**Absent.** This species appears to be restricted to northern California and the Siera Nevada (CDFW 2025 Bumble Bee Watch 2025).
Vernal pool fairy shrimp *Branchinecta lynchi*	FT	Vernal pools of California's Central Valley.	**Absent**. Vernal pools are absent from the site. The nearest documented occurrences of this species are more than 3 miles from the site.

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
California tiger salamander *Ambystoma californiense*	FT, CT	Breeds in vernal pools and stock ponds of central California. Adults aestivate in grassland habitats adjacent to the breeding sites.	**Unlikely**. LOA Senior Associate Herpetologist Dr. Mark Jennings visited the site on March 28, 2014, to assess the site for suitability to support special status amphibians and reptiles. Dr. Jennings found that breeding habitat for this species does not exist on the site, there are only a few small mammal burrows on the site suitable for estivation, and although one larvae was identified in 2011 (CNDDB 2014) approximately two miles south of the site on East Bay Regional Park District land within pond #028, the Lester site is outside of the native range for CTS, and therefore, CTS would not be expected to occur on the site. The site is not located within critical habitat designated by the USFWS for CTS, however, it is located within modeled potential upland habitat and the CTS South mitigation area of the East Alameda County Conservation Strategy (EACCS).

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
California red-legged frog *Rana draytonii*	FT, CSC	Rivers, creeks and stock ponds of the Sierra foothills and coast range, preferring pools with overhanging vegetation.	**Possible.** LOA Senior Associate Herpetologist Dr. Mark Jennings visited the site on March 28, 2014, to assess the site for suitability to support special status amphibians and reptiles. Dr. Jennings found that breeding habitat for the CRLF is absent from the site, as the creek and other drainages lack deep pools of water required for breeding. Devaney Canyon may act as a dispersal corridor for CRLF should CRLF occur in nearby stock ponds or pools. Much of this canyon and the eastern section of the project site is within Critical Habitat designated by the USFWS for the CRLF. The site is within modeled potential upland habitat for CRLF and the West mitigation area of the EACCS.
Alameda whipsnake *Masticophis lateralis euryxanthus*	FT, CT	Ranges from the inner coast range in western and central Contra Costa and Alameda counties. Typically occurs in chaparral and scrub habitats with rock outcrops and talus pilings. Also occurs in scrub communities, grasslands, oak, and oak/bay woodlands.	**Possible.** LOA Senior Associate Herpetologist Dr. Mark Jennings visited the site on March 28, 2014, to assess the site for suitability to support special status amphibians and reptiles. Dr. Jennings found that suitable habitat exists onsite for all life stages of the whipsnake. The rock piles provide hibernacula and food sources, riparian and mixed woodlands and occurring onsite provide suitable habitat, and the grasslands are adjacent to these woodlands, which may be used for feeding and dispersal habitat. The site is located almost entirely within Critical Habitat designated by the USFWS for the Alameda whipsnake. The site is within Alameda whipsnake Recovery Unit 3 mitigation area of the EACCS.

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Northwestern pond turtle *Actinemys marmorata*	Federal proposed for threatened status	An aquatic turtle of ponds, marshes, slow-moving rivers, streams, and irrigation ditches with aquatic vegetation. Needs basking sites and sandy banks or grassy open fields for egg laying.	**Unlikely.** While potential suitable habitat is present on the site for pond turtles in Devaney Canyon when water is present, the closest pond turtle records in the region is more than 3 miles to the northeast in San Ramon and Dublin areas
San Joaquin kit fox *Vulpes macrotis mutica*	FE, CT	Frequents annual grasslands or grassy open stages with scattered shrubby vegetation. Needs loose-textured sandy soils for burrowing and suitable prey base. Utilizes enlarged (4 to 10 inches in diameter) ground squirrel burrows as denning habitat. May forage in adjacent agricultural habitats.	**Absent.** Denning and foraging habitat for the San Joaquin kit fox is limited on the site, as ground squirrels have been poisoned onsite through many years by the cattle rancher. There have been three documented occurrences of this species within ten miles of the site since 1975. The nearest observation of this species was documented approximately 4.5 miles to the northeast of the project site in 1975. No occurrences have been documented west of Highway 680. Therefore, kit foxes are presumed absent from the project site, as the project is a few miles southwest of the nearest sighting and is considered outside its historic and existing range.
Foothill yellow-legged frog *Rana boylii*	FE	Frequents partly shaded, shallow, swiftly flowing streams and riffles with rocky substrate in a variety of habitats.	**Unlikely.** The drainages on the site provide marginal to poor habitat for this species. The nearest documented occurrences of this species are more than 16 miles to the northwest of the site.
Burrowing owl *Athene cunicularia*	State Candidate Species for threatened status	Open, dry grasslands, deserts, and ruderal areas. Requires suitable burrows. Often associated with California ground squirrels.	**Absent.** No burrowing owls have ever been documented on site during numerous surveys since 2014. The closest sightings are about 2.7 miles east of the site in the Dublin region east of Doughtery Road and about 2.5 mles south of the site along Pleasanton Ridge.

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
White-tailed kite *Elanus leucurus*	CP	Open grasslands and agricultural areas throughout central California.	**Possible.** Potentially suitable breeding and foraging habitat for this species is present on the site.
Northern harrier *Circus cyaneus*	CSC	Frequents meadows, grasslands, open rangelands, freshwater emergent wetlands; uncommon in wooded habitats.	**Possible.** Potentially suitable breeding and foraging habitat for this species is present on the site.
Golden eagle *Aquila chrysaetos*	CP	Typically frequents rolling foothills, mountain areas, woodland areas, sage-juniper flats, and desert habitats.	**Possible.** While large trees on the site provide breeding habitat for this species, field surveys conducted from 2014 to 2025 have failed to detect golden eagle nests on the site. Foraging habitat is also present on the site. Golden eagles are known to occupy a nest site approximately five miles to the southwest of the site. The project site is located within modeled potential foraging and nesting habitat in the East Alameda County Conservation Strategy.
Yellow warbler *Dendroica petechia brewsteri*	CSC	Nests in riparian thickets, especially in willows. Also frequents shrubby areas and old fields.	**Unlikely.** Marginal potentially suitable breeding and foraging habitat for this species is present on the site, as riparian areas are mostly not dense. The nearest documented occurrence of this species is approximately six miles to the west of the site.
Tricolored blackbird *Agelaius tricolor*	CSC	Breeds near fresh water, primarily emergent wetlands, with tall thickets. Forages in grassland and cropland habitats.	**Unlikely.** Breeding habitat is absent from the site. Marginal foraging habitat is present on the site. The nearest documented occurrences of this species are more than four miles to the northeast of the site; however, the project site is located within modeled potential foraging habitat in the EACCS.

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Townsend's big-eared bat *Plecotus townsendii townsendii*	CSC	Primarily a cave-dwelling bat that may also roost in buildings. Occurs in a variety of habitats of the state.	**Possible.** Foraging habitat is present on the site, although structures on the site do not provide suitable roosting habitat for this species. The nearest documented occurrence of this species is more than 11 miles southeast of the site.
Pallid bat *Antrozous pallidus*	CSC	Grasslands, chaparral, woodlands, and forests of California; most common in dry rocky open areas that provide roosting opportunities.	**Possible.** Foraging habitat is present on the site, although suitable roosting habitat is absent. The nearest documented occurrence of this species is just over a mile from the site at a bridge roost.
Western mastiff bat *Eumops perotis californicus*	CSC	Forages over many habitats. Requires tall cliffs or buildings for roosting.	**Possible.** Foraging habitat is present on the site, however, structures on the site do not provide suitable roosting habitat for this species. The nearest documented occurrence of this species is more than seven miles to the southwest of the site.
San Francisco dusky-footed woodrat *Neotoma fuscipes annectens*	CSC	Hardwood forests, oak riparian, and shrub habitats.	**Possible.** The riparian woodlands provide potentially suitable habitat for this species. However, no woodrat nests were observed during the site visit, and the nearest documented occurrence of this species is just over three miles to the west of the site.
American badger *Taxidea taxus*	CSC	Found in drier open stages of most shrub, forest, and herbaceous habitats with friable soils.	**Possible.** Although no badger sign was observed during any survey from 2014 to 2025. Suitable habitat exists onsite for badgers. The nearest documented occurrence of this species is approximately four miles to the northeast of the site. The site is located within modeled potential habitat for badgers in the East Alameda County Conservation Strategy.

TABLE 2B: SPECIAL STATUS SPECIES THAT COULD OCCUR IN THE PROJECT VICINITY.

ANIMALS (adapted from CDFW 2023)

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

Common and scientific names	Status	General habitat description	*Occurrence in the study area
Ringtail *Bassariscus astutus*	CP	Rocky or talus slopes in semi-arid or riparian habitats.	**Possible.** Suitable habitat is restricted to the riparian woodlands onsite. Ringtails have not been documented within three miles of the site.

*Explanation of Occurrence Designations and Status Codes

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

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

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

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

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

STATUS CODES

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

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

2.4 ENDANGERED, THREATENED, OR SPECIAL STATUS SPECIES MERITING FURTHER DISCUSSION

Most of the special status species that have been documented in the region may occur rarely or occasionally on the site (Table 2A, 2B). For these species, sufficient information exists to evaluate potential impacts that future site development may have on them. A few of the state- or federally listed species require additional in-depth analysis. Below are detailed discussions addressing the suitability of the site to support these species. For information about the life history and ecology of these species, refer to Appendix C.

2.4.1 Callippe Silverspot Butterfly (*Speyeria callippe callippe*). Federal Listing Status: Endangered; State Listing Status: None.

The Callipe silverspot butterfly was listed by the U.S. Fish and Wildlife Service in 1997 with only two known populations: one on San Bruno Mountain near San Francisco, and the other on a site adjacent to Joaquin Miller Park in Oakland. At this time no critical habitat has been adopted for the listed species. The host plant the Callippe silverspot complex is johnny jump-up (*Viola pedunculata*) which ranges widely from the North Bay area south to San Luis Obispo County and beyond.

Potential to occur on the site. Considerable debate has occurred as to the subspecies classification of the locally occurring Callippe silverspot butterfly. Butterfly ecologists that have originated from Paul Ehrilich's lab at Stanford University have unequivocally concluded that the subspecies of the Callippe silverspot in the Pleasanton region is clearly the common *Speyeria callippe comstocki*. The USFWS has yet to provide clarity as to whether they would consider any Callippe silverspot butterfly the listed or common subspecies in the region.

Surveys to determine the presence or absence of the host plant Johnny jump-up (Viola pedunculata) were conducted on the site by Senior Associate Entomologist Dr. Raymond White on March 13, 2015, within the appropriate blooming period (February through April). No Johnny jump-up plants were observed. Dr. White made note of yellow flowers observed in the field (buttercups, dandelions, lotus, and sun cup); he also noted a general lack of potential nectar sources for the Callippe silverspot butterfly such as buckeye trees (*Aesculus sp.*) and yerba santa (*Eriodictyon sp.*). In addition, non-flowering Johnny jump-ups were not observed; the most

similar leaves observed included mints and bindweed. Dr. White observed one of each of the following butterflies during his survey: Pieris sp., Vanessa sp., Precis sp., and Milbert's tortoiseshell (*Nymphalis milberti*), however no Callippe silverspot butterflies were observed. Therefore, as the result of the March 2015 survey was negative for the presence of the butterfly's host plant johnny jump-up, both the host plant and the Callippe silverspot butterfly are absent from the site.

2.4.2 California Red-Legged Frog (*Rana draytonii*). Federal Listing Status: Threatened; State Listing Status: Species of Special Concern.

The California red-legged frog was listed as threatened by the U.S. Fish and Wildlife Service under the authority of the Federal Endangered Species Act on May 23, 1996. The species had been extirpated from 70 percent of its historic range, and remaining populations are currently threatened by a wide variety of human impacts (66 FR 14626).

Potential to occur on the site. Although protocol-level CRLF surveys were not conducted, Dr. Mark Jennings visited the site on March 28, 2014, to evaluate the potential presence of CRLF habitat. He concluded that although much of the site (the western portion) is within Critical Habitat for the CRLF, the site supports only dispersal habitat for CRLF in the form of Devaney Canyon, but that it does not support breeding habitat for CRLF, as permanent aquatic habitats and deep pools of water were lacking in the stream channels. Downstream habitat within Dublin Creek does not appear to support suitable habitat for CRLF. Surveys to evaluate the suitability of nearby off-site stock ponds for CRLF were not conducted as part of the effort.

CRLF movement to the east within the two incised drainages on the property and off of the site is unlikely due to the existing residential development and predators they would encounter. CRLF are also unlikely to occur on the flat portion of the site within the development envelope due to the presence of mammalian predators and wild turkeys, which are known to kill CRLF.

2.4.3 Northwestern Pond Turtle (*Actinemys marmorata*). Federal Listing Proposed for threatened status: None; State Listing Status: Species of Special Concern.

Potential to occur onsite. While potentially suitable habitat does occur on the site for the NWPT in Devaney Canyon when water is present, the closest sightings for NWPTs is more than 3 miles northeast of the site in the San Ramon and Dublin regions. No pond turtles have been detected

within Devaney Creek during the numerous surveys conducted on site since 2014. This species is unlikely to occur within Devaney Creek.

2.4.4 Alameda Whipsnake (*Masticophis lateralis euryxanthus*). Federal Listing Status: Threatened; State Listing Status: Threatened.

The Alameda whipsnake [("Alameda striped racer") (*Masticophis lateralis euryxanthus*)] was listed as Threatened by the State of California in 1971. On December 5, 1997, the U.S. Fish and Wildlife Service (FWS) listed the Alameda whipsnake as Threatened under the authority of the Federal Endangered Species Act. The critical habitat designation for the subspecies was completed by FWS on October 3, 2000 (50 CFR 17 58933-58962).

Potential to occur onsite. During Dr. Jennings' March 28, 2014, habitat assessment survey, he concluded that suitable habitat does occur on the site for all life stages of the whipsnake. The rock piles provide hibernacula and food sources, riparian and mixed woodlands occurring on the site provide suitable habitat, and the grasslands adjacent to these woodlands may be used as foraging and dispersal habitat for this species. Almost the entire site is located within Critical Habitat designated by the USFWS for the Alameda whipsnake, and suitable habitat also occurs within adjacent open space areas.

2.5 JURISDICTIONAL WATERS

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank and which, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the California Regional Water Quality Control Board (RWQCB). See Section 3.2.6 of this report for additional information.

An Approved Jurisdictional Determination (AJD) (USACE File # 2015-00381S) was issued by the USACE on September 25, 2017 (Appendix F, LOA 2016). An AJD is a process used by the USACE to make a definitive, official determination whether aquatic resources in the review area are or are not jurisdictional (33 CFW 331.2). As detailed in the 2015 Waters of the U.S. report (LOA 2015), LOA conducted a wetland delineation in April and May of 2015 and delineated onsite aquatic

features. A supplemental wetland delineation report was submitted to the USACE after the June 14, 2016, verification visit with the USACE (LOA 2016).

Considering the expiration of the AJD, LOA wetland ecologist Arren Allegretti conducted a current wetland delineation of the site on June 15 and 16, 2023. A jurisdictional determination of aquatic features delineated in 2023 has yet to be provided by the USACE at the time of writing this report.

The 2023 Waters of the U.S. Map (Appendix G) displays the potentially jurisdictional tributary waters (1.5 ac) and seasonal wetlands (0.5 ac). Although these seasonal wetlands were considered non-jurisdictional in 2017, USACE-jurisdictional waters are present on the site: Devaney Canyon Creek (a USGS blue line stream and tributary of Dublin Creek and South San Ramon Creek) and its intermittent unnamed tributary. The limit of USACE-jurisdiction within Devaney Canyon Creek and its tributary would be the ordinary high water (OHW) mark on opposing banks.

Other potentially jurisdictional tributary waters (ET 1-3) include three ephemeral tributaries that exhibited a continuous surface connection to Devaney Creek (Appendix G). An approximately 39-ft reach of Hedd Creek (ET-1) occurs in the southwest portion of the site and serves as an ephemeral tributary of Devaney Creek. The tributary is represented as a USGS blue line and had a shallow, defined bed and bank. This feature was devoid of vegetation below the top of bank. The total area of this ephemeral tributary below the OHWM is 0.002 ac (94 ft^2). Two gullies with incised channels served as ephemeral tributaries (ET-2,3), particularly since they exhibited a continuous surface connection to Devaney Creek. The USGS National Hydrography Dataset (USGS 2023) illustrates ephemeral flows from these gullies connecting to Devaney Creek. These gullies covering 0.03 ac (1,343 ft^2), occurred on natural drainage lines with intermittent flow that drain downslope into Devaney Creek.

Devaney Creek and its tributaries may also be considered jurisdictional by both the CDFW and RWQCB to the top of the bank or the dripline of riparian vegetation, whichever is greater. Although the seasonal wetlands of the site were considered isolated and non-jurisdictional by the USACE, they may be considered jurisdictional by RWQCB.

All of Devaney Creek, as well as its tributaries, and their riparian habitats will be preserved by the project with a setback

3 IMPACTS AND MITIGATIONS

3.1 SIGNIFICANCE CRITERIA

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

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

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

Furthermore, CEQA Guidelines Section 15065(a) states that a project may trigger the requirement to make a "mandatory findings of significance" if the project has the potential to

> Substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare or threatened species, or eliminate important examples of the major periods of California history or prehistory.

3.2 RELEVANT GOALS, POLICIES, AND LAWS

3.2.1 Threatened and Endangered Species

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

in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

3.2.2 Migratory Birds

State and federal laws also protect most bird species. The State of California signed Assembly Bill 454 into law in 2019, which clarifies native bird protection and increases protections where California law previously deferred to Federal law. The Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

3.2.3 Birds of Prey

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

3.2.4 Bats

Sections 2000 and 4150 of the California Fish and Game Code states that it unlawful to take or possess a number of species, including bats, without a license or permit as required by Section 3007. Additionally, Title 14 of the California Code of Regulations states it is unlawful to harass, herd, or drive a number of species, including bats. To harass is defined as "an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering". In addition, the Townsend's big-eared bat is currently proposed to be listed in the state of California as Endangered. The Townsend's big-eared bat is currently under a 1-year review with CDFW, during which time, it will be afforded full protections as other Endangered species until the Commission has finalized their ruling.

3.2.5 The Bald and Golden Eagle Protection Act

The Bald Eagle Protection Act of 1940 (16 U.S.C. 668, enacted by 54 Stat. 250) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this Act. Take of bald and golden eagles is defined as follows: "disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior'' (72 FR 31132; 50 CFR 22.3).

3.2.6 Wetlands and Other Jurisdictional Waters

3.2.6.1 Waters of the U.S.

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), defined in the CWA as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not supply a definition for waters of the U.S., and that has been the subject of considerable debate since the CWA's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the Environmental Protection Agency (EPA) and USACE. These definitions have been interpreted, and in some cases, invalidated, by federal courts.

Waters of the U.S. are presently defined by the EPA and USACE's joint 2023 Revised Definition of 'Waters of the U.S.' Rule (2023 WOTUS Rule), issued in January 2023 and amended in August 2023. Waters of the U.S. include:

- Waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- The territorial seas.
- Interstate waters.

- Impoundments of waters otherwise defined as waters of the United States under the definition.
- Tributaries to other waters of the U.S. that are relatively permanent, standing or continuously flowing bodies of water.
- Wetlands adjacent to other waters of the U.S. that have a continuous surface connection to those waters.

The 2023 WOTUS Rule also defines several exclusions from the definition of waters of the U.S., many of which are longstanding exclusions from earlier regulatory regimes. These generally include:

- Waste treatment systems
- Prior converted cropland
- Ditches excavated wholly in and draining only dry land that do not carry a relatively permanent flow of water
- Certain artificial features, e.g. irrigation basins, swimming pools, borrow pits, and artificially irrigated areas
- Swales and erosional features characterized by low volume, infrequent, or short duration flow

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to the permit requirements of the USACE. Such permits are typically issued on the condition that the applicant agrees to provide mitigation that results in no net loss of wetland functions or values.

3.2.6.2 Waters of the State

Under Section 401 of the CWA, the Regional Water Quality Control Board (RWQCB) issues a certification (or waiver of such certification) that the proposed activity will meet state water quality standards. In addition, the RWQCB regulates the filling of "waters of the state" based on the provisions of the Porter-Cologne Water Quality Control Act. Waters of the State are defined

as any surface water or groundwater, including saline waters, within the boundaries of the state. The RWQCB has the discretion to take jurisdiction over areas not federally regulated under Section 401 of the CWA. Therefore, the filling of isolated wetlands, over which the USACE has disclaimed jurisdiction under the SWANCC decision, is regulated by the RWQCB. It is unlawful to fill isolated wetlands without filing a Notice of Intent with the RWQCB. The RWQCB is also responsible for enforcing National Pollution Discharge Elimination System (NPDES) permits, including the General Construction Activity Storm Water Permit. All projects requiring federal money must also comply with Executive Order 11990 (Protection of Wetlands).

In 2019, the RWQCB adopted the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Materials to Waters of the State.* This document provides the following definition of wetlands regulated by RWQCB:

The Water Board defines an area as wetland as follows*:*

> *An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes, or the area lacks vegetation.*
>
> *The Water Code defines "waters of the state" broadly to include "any surface water or groundwater, including saline waters, within the boundaries of the state." "Waters of the state" includes all "waters of the U.S."*

The following wetlands are waters of the state:

1. Natural wetlands,
2. Wetlands created by modification of a surface water of the state, and
3. Artificial wetlands that meet any of the following criteria:

a. Approved by an agency as compensatory mitigation for impacts to other waters of the state, except where the approving agency explicitly identifies the mitigation as being of limited duration;

b. Specifically identified in a water quality control plan as a wetland or other water of the state;

c. Resulted from historic human activity, is not subject to ongoing operation and maintenance, and has become a relatively permanent part of the natural landscape; or

d. Greater than or equal to one acre in size, unless the artificial wetland was constructed, and is currently used and maintained, primarily for one or more of the following purposes (i.e., the following artificial wetlands are not waters of the state unless they also satisfy the criteria set forth in 2, 3a, or 3b):

i) Industrial or municipal wastewater treatment or disposal,

ii) Settling of sediment,

iii) Detention, retention, infiltration, or treatment of stormwater runoff and other pollutants or runoff subject to regulation under a municipal, construction, or industrial stormwater permitting program,

iv) Treatment of surface waters,

v) Agricultural crop irrigation or stock watering,

vi) Fire suppression,

vii) Industrial processing or cooling,

viii) Active surface mining – even if the site is managed for interim wetlands functions and values,

ix) Log storage,

x) Treatment, storage, or distribution of recycled water,

xi) Maximizing groundwater recharge (this does not include wetlands that have incidental groundwater recharge benefits), or

xii) Fields flooded for rice growing.

Section 1602 of the California Fish and Game Code (Lake and Streambed Alteration Agreements)

The California Department of Fish and Wildlife has jurisdiction over the bed and bank of natural drainages according to provisions of Section 1601 and 1602 of the California Fish and Game Code (2003). Activities that would disturb these drainages are regulated by the CDFW via a Streambed Alteration Agreement. Such an agreement typically stipulates that certain measures will be implemented which protect the habitat values of the drainage in question.

3.2.7 Local Ordinances, Policies, and Habitat Conservation Plans

East Alameda County Conservation Strategy

The project site occurs within Conservation Zone (CZ) 8 of the East Alameda County Conservation Strategy (EACCS) (ICF 2010) study area. The EACCS document provides "context and guidance to project applicants, local jurisdictions with permit authority, and resource agencies in determining the potential impacts of a project and the level and type of mitigation necessary to offset those impacts". This document suggests a standard mitigation ratio of 3:1 for impacted land, which may vary depending on the type of habitat lost and the type of Conservation Zone the project is within. There are 10 animal species and five plant species which are considered "focal species" of the plan and standardized mitigation ratios are provided for each of these species for impacts based on the individual species, the CZ and habitat quality scoring for impacted habitat and proposed mitigation habitat.

City of Pleasanton General Plan 2005-2025

The City of Pleasanton has a General Plan that was adopted in 2009. Among other policies, this plan includes policies on heritage tree preservation and grading cessation when historic artifacts are found. All General Plan policies should be followed.

City of Pleasanton Municipal Code – Tree Preservation

Heritage trees are illegal to remove without the appropriate permit. Chapter 17.16 of the City's municipal code defines a Heritage tree as:

1. "Any single-trunked tree with a circumference of 55 inches (diameter of 18 inches) or more measured four and one-half feet above ground level;
2. Any multi-trunked tree of which the two largest trunks have a circumference of 55 inches or more measured four and one-half feet above ground level;
3. Any tree 35 feet or more in height;
4. Any tree of particular historical significance specifically designated by official action;
5. A stand of trees, the nature of which makes each dependent upon the other for survival or the area's natural beauty."

However, the municipal code also states that the definition of a Heritage Tree "…shall not apply to fruit or nut trees when part of an orchard, the produce of which is used for commercial purposes (Ord. 1737 § 1, 1998)". Removal of Heritage Trees requires a permit from the City.

The arborist report determined that 95 Heritage Trees occur on the project site.

Creek setback

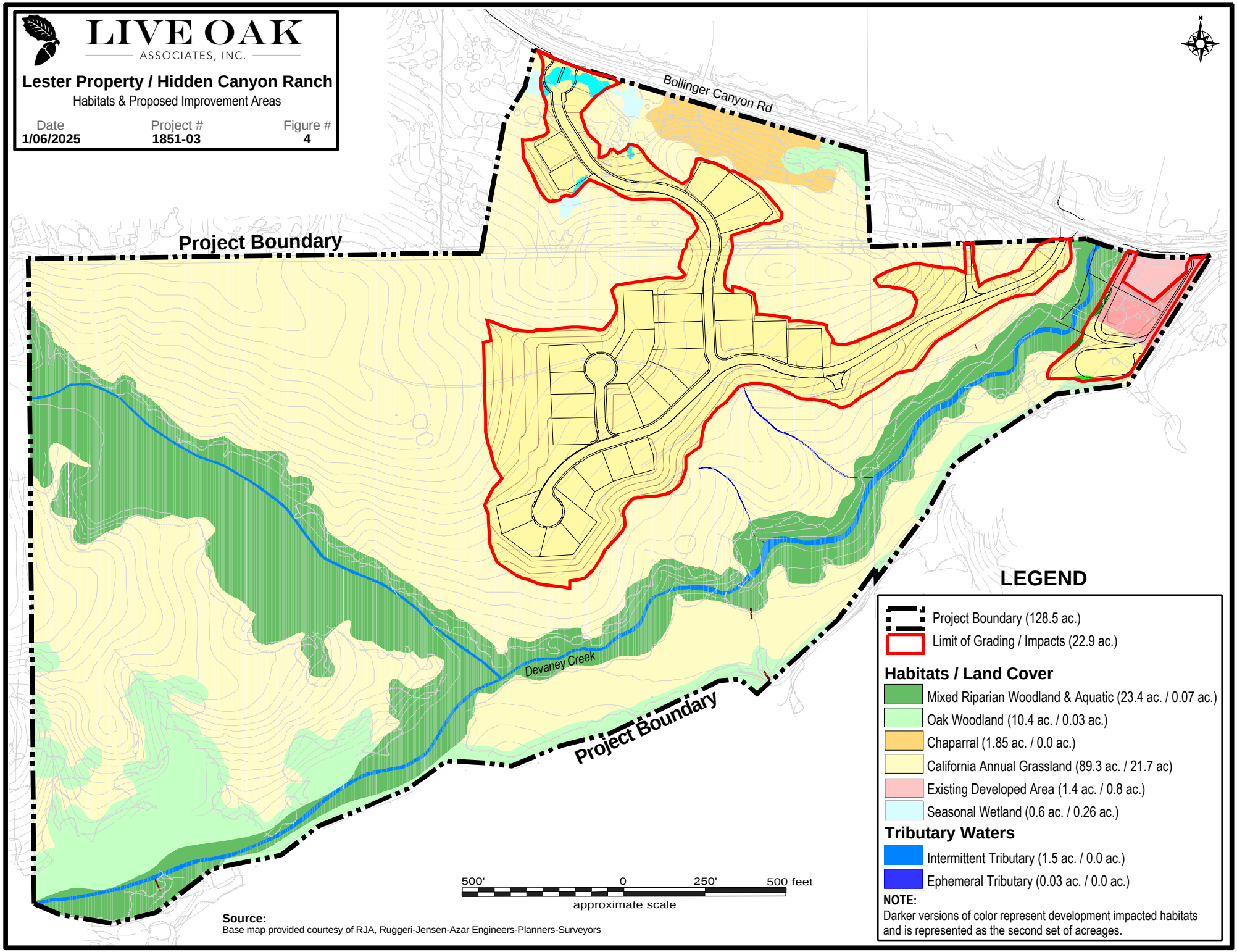
The City of Pleasanton determines appropriate creek setbacks on a case-by-case basis. Required setbacks from the creek will be established by the City of Pleasanton and will be guided by the geological stability and habitat significance of this creek to the City.

HCPs/NCCPs

No known habitat conservation plans are in effect for this property. The property lies outside of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan area.

3.3 IMPACTS AND MITIGATIONS SPECIFIC TO THE PROJECT SITE

The proposed project will result in the grading and development of approximately 23.9 acres of the approximately 128.5-acre site with 30 single family homes and associated roads and other infrastructure as well as a trail and associated staging area The remaining 104.6 acres would be preserved, including Parcel A (owned and managed by the HOA), Parcel B (approximately 69 acre dedicated to East Bay Regional Park District (EBRPD)) and Parcel C (approximately 7.5 acres) to be retained by the Lester Family under a life estate with future dedication to EBRPD. Grading of the site has been designed to avoid impacts to sensitive habitats including the riparian corridor of Devaney Creek and its unnamed tributary. The majority of the impacts will occur to California annual grassland habitat (approximately 22.17 acres). Additionally, the construction of the primary access road from Dublin Canyon Road will result in impacts to 0.25 acres of seasonal wetland habitat that is considered marginal wetland habitat and of similar value to surrounding upland habitats. Table 3 provides a breakdown of the habitat impacts and preservation that will occur under the proposed project, and potential impacts and mitigations are discussed below. Figure 4 shows the habitats occurring within the project's grading footprint and the proposed conservation area.


LIVE OAK
ASSOCIATES, INC.
Lester Property / Hidden Canyon Ranch
Habitats & Proposed Improvement Areas
Date
1/06/2025
Project #
1851-03
Figure #
4
Bollinger Canyon Rd
Project Boundary
Devaney Creek
Project Boundary
500' 0 250' 500 feet
approximate scale
Source:
Base map provided courtesy of RJA, Ruggeri-Jensen-Azar Engineers-Planners-Surveyors
LEGEND
Project Boundary (128.5 ac.)
Limit of Grading / Impacts (22.9 ac.)
Habitats / Land Cover
Mixed Riparian Woodland & Aquatic (23.4 ac. / 0.07 ac.)
Oak Woodland (10.4 ac. / 0.03 ac.)
Chaparral (1.85 ac. / 0.0 ac.)
California Annual Grassland (89.3 ac. / 21.7 ac)
Existing Developed Area (1.4 ac. / 0.8 ac.)
Seasonal Wetland (0.6 ac. / 0.26 ac.)
Tributary Waters
Intermittent Tributary (1.5 ac. / 0.0 ac.)
Ephemeral Tributary (0.03 ac. / 0.0 ac.)
NOTE:
Darker versions of color represent development impacted habitats and is represented as the second set of acreages.

The project will also include the construction of an 18” outfall that will drain into the west side of Devaney Creek and a 24” outfall that drains into the east side of Devaney Creek near the vicinity of Dublin Canyon Road. Specific design details for the outfalls have not yet been determined. While these outfalls are intended to be above OHW, they will impact a small amount of riparian habitat in the range of 0.03 to 0.06 acres.

TABLE 3. HABITAT ACREAGES AND LINEAR FEET OF TRIBUTARY WATERS IMPACTED AND CONSERVED UNDER THE PROPOSED PROJECT (SEE FIGURE 4).				
Habitat Classification	**Total Acres**	**Impacted Acres**	**Conserved Acres**	**Percent Conserved**
Mixed Riparian Woodland and Aquatic	23.40	0.06	23.34	99.7
Oak Woodland	10.40	0.00	10.4	100.0
Chaparral	1.85	0.00	1.85	100.0
California Annual Grassland	89.35	22.17	67.18	75.2
Existing Developed Area	1.42	1.42	0.0	0.0
Seasonal Wetland	0.54	0.25	0.29	53.7
Intermittent and Ephemeral Tributary	**1.53**	**0.0**	**1.53**	**100.0**
Roadside Ditch	**0.06**	**0.06**	**0.0**	**0.0**
Total	**128.5**	**23.9**	**104.6**	**81.4**
Tributary Waters	**Total Linear Feet**	**Impacted Linear Feet**	**Conserved Linear Feet**	**Percent Preserved**
Intermittent Tributary	6,098	0.00	6,098	100.0
Ephemeral Tributary	879	0.00	879	100.0
Roadside Ditch	266	266	0	0.0
Total	7243	266	6,997	96.7

3.3.2 Loss of Habitat for Special Status Plants

Potential Impacts. All but three of the 23 special status plant species that occur, or once occurred, in the vicinity of the project site were either determined to be absent or unlikely to occur on the site during the initial 2014 reconnaissance-level field survey. Reasons for such determination included the lack of suitable habitat for the species, the species has not been observed in the project region for many decades, and/or because habitat was considered marginal on the site for the species. The three rare plant species that were determined to have the potential to occur on the site after the 2014 survey included big-scale balsamroot (perennial herb; blooms March-June), Congdon's tarplant (annual herb; blooms May-November) and Diablo helianthella (perennial herb; blooms March-June) (Table 2). Therefore, LOA ecologists Pamela Peterson and Davinna Ohlson conducted focused surveys for all three potentially occurring rare plant species on September 15, 2014. The survey was timed to coincide with the blooming season for Congdon's tarplant, which is a late season blooming annual herb. Although the survey was conducted outside of the blooming season for both Diablo helianthella and big-scale balsamroot, the latter are perennial herbs, and these plants would have still been observable/identifiable throughout the year if they were present. The survey was conducted both within the proposed development grading footprint and proposed conservation lands. Big-scale balsamroot and

Diablo helianthella were ruled out as they were not observed during all the nine surveys conducted in 2014, 2016, 2017, 2019, and 2023. However, Congdon's tarplant was found present on the site within both the proposed development/grading footprint and conservation lands. LOA plant ecologists completed a total of nine Congdon's tarplant surveys over the years 2014, 2016, 2019, and 2023. These surveys were conducted within the blooming period of the Congdon's tarplant, specifically during September 15 and 30, 2014, September 15, 2016, October 10, 2017, and August 26, 2019. In 2023, four plant surveys were conducted on August 18 and 31 as well as September 15 and 28. LOA plant ecologists identified and mapped the extent of populations occurring throughout the site. Additionally, LOA ecologists, identified new populations, , estimated population numbers, calculated areas and population numbers occurring within the development grading footprint (i.e., impact area) and conservation area (i.e., outside of the grading footprint).

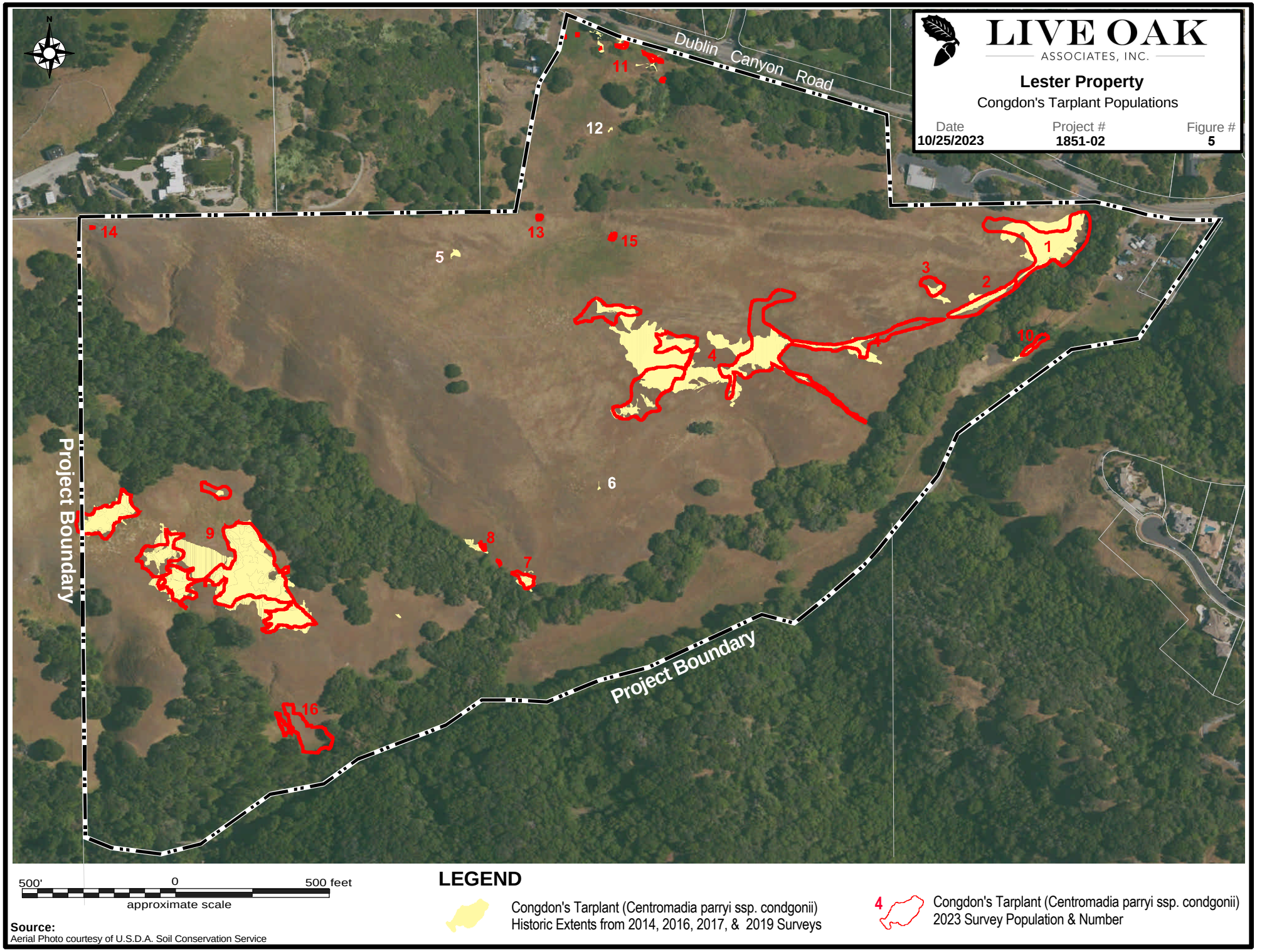
Populations mapped on the site during all nine survey efforts are displayed in Figure 5. Figure 6 shows 2023 Congdon's tarplant populations within the grading footprint and those within the conservation area based on October 2023 site plans. Acreages and estimates of individuals that will be impacted or preserved under the proposed project are provided in Table 4. The estimated conservation: loss: ratios are also calculated in Table.4. In 2023, the conservation loss ratio was the highest as compared to past survey years (9:1) likely because of the four new populations identified in the conservation area.

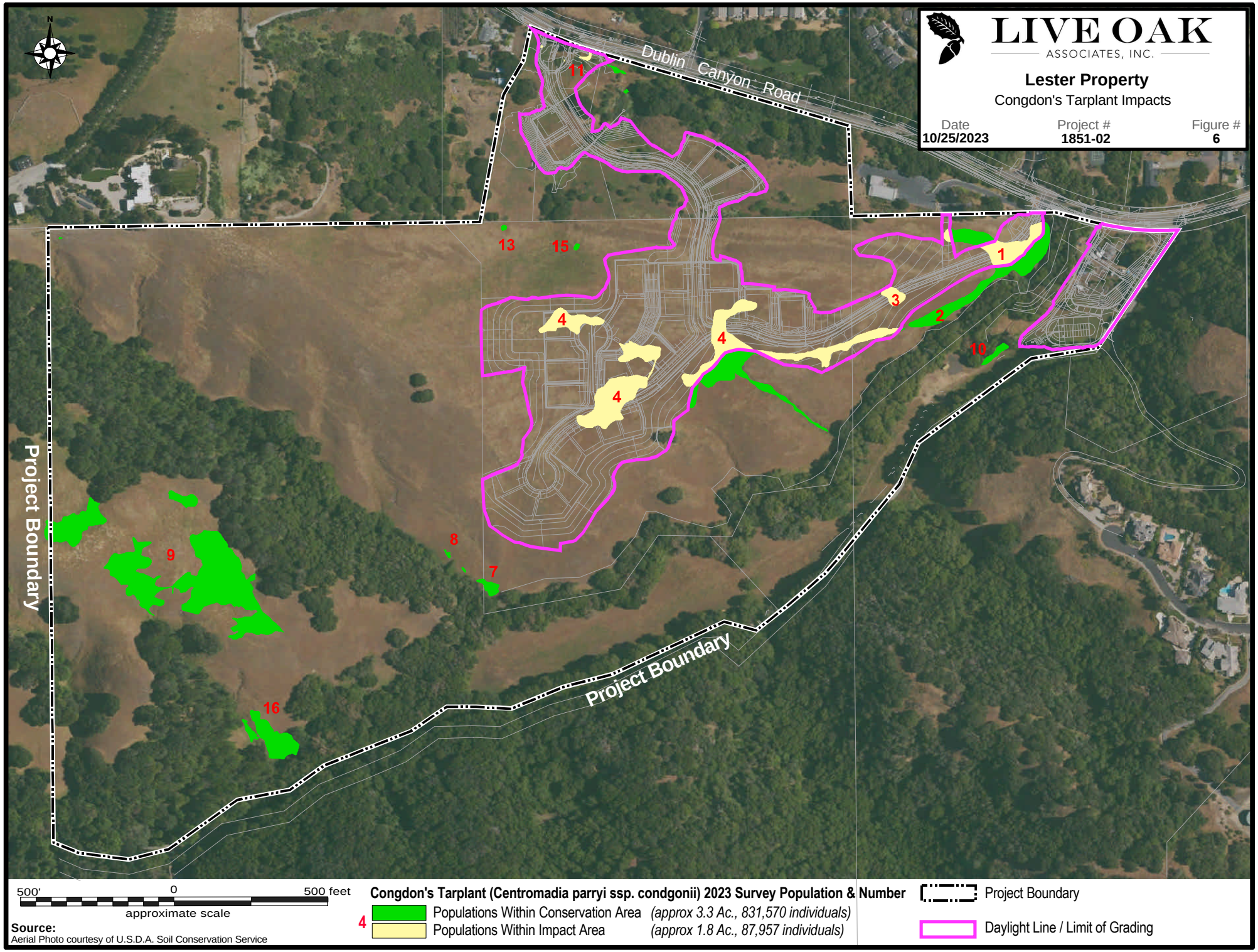
The CNDDB reports a total of 25 populations of Congdon's tarplant within a 10-mile radius of the site with populations ranging from just 2 plants to 240,000 plants, with one population supporting an undisclosed number of plants and two populations reported as extirpated. Throughout the nine survey years, most populations were less than 10,000 plants with some notable exceptions such as population 9 whose populations ranged from 3,119 in 2017 to 676,515 in 2023. Population nine is in the proposed conservation area.

Table 4: Estimated Population Impacts and Conservation of Congdon's Tarplant on the Lester Property Project Site Based on Surveys Conducted in 2014. 2016, 2017, 2019, and 2023 by Acreage and Individuals*.

Impact Area within Grading Footprint										
Pop ID	**Area m^2 (acres)**					**Population #**				
	2014	**2016**	**2017**	**2019**	**2023**	**2014**	**2016**	**2017**	**2019**	**2023**
1	1,335 (0.330)	0 (0)	0 (0)	862 (0.213)	1122.2 (0.28)	57,405	0	0	862	78554
2*	221 (0.055)	134 (0.033)	140 (0.034)	174 (0.043)	-	7,204	205	92	1,392	-
3	177 (0.044)	0 (0)	0 (0)	0 (0)	272.3 (0.07)	200	0	0	0	545
4	6,220 (1.537)	943 (0.233)	1 (0.001)*	3,237 (0.800)	5,658.2 (1.40)	9,952	4,769	1	16,185	8832
6*	26 (0.006)	40 (0.010)	0 (0)	8 (0.002)	-	30	9	0	4	-
10*	23 (0.006)	0 (0)	26 (0.006)	0 (0)	-	100	0	86	0	-
11	180 (0.044)	0 (0)	3 (0.001)	0 (0)	40.2 (0.01)	100	0	3	0	26
12	13 (0.003)	0 (0)	0 (0)	0 (0)	0	20	0	0	0	0
Total:	8,195 (2.025)	1,117 (0.276)	170 (0.042)	8,555 (1.058)	7,092.9 (1.75)	75,011	4,983	182	18,443	87,957
Conservation Area										
1	948 (0.234)	81(0.020)	0 (0)	178 (0.044)	1608.9 (0.4)	40,764	159	0	178	112623
2*	-	-	-	-	667.1 (0.17)	-	-	-	-	1334
4	143 (0.035)	106(0.026)	0 (0)	271 (0.067)	1434.8 (0.36)	228	575	0	1,355	1435
5	54 (0.013)	0 (0)	0 (0)	0 (0)	0	100	0	0	0	0
7	113 (0.028)	132 (0.033)	0 (0)	154 (0.038)	180.1 (0.05)	300	175	0	1,386	308
8	120 (0.030)	53 (0.013)	0 (0)	77 (0.019)	25.8(0.01)	300	75	0	770	267
9	6,426 (1.588)	4,408 (1.089)	945 (0.234)	6,928(1.7)	8084.2 (2.0)	32,800	31,809	3,119	62,352	676515.00
10	-	-	-	-	149.3 (0.04)	-	-	-	-	351
11	-	-	-	-	58 (0.02)	-	-	-	-	22
13	-	-	-	-	20.8 (0.005)	-	-	-	-	4
14	-	-	-	-	3.2 (.001)	-	-	-	-	5
15	-	-	-	-	26.4 (0.007)	-	-	-	-	17
16	-	-	-	-	1105.4 (0.349)	-	-	-	-	38689
Total:	7,804 (1.928)	4,780 (1.181)	945 (0.234)	7,608 (1.880)	13,364 (3.30)	74,492	32,793	3,119	66,041	831,570
Conservation Loss Ratio***	**1:1**	**4:1**	**6:1**	**2:1**	**2:1**	**1:1**	**7:1**	**17:1**	**4:1**	**9:1**

*Areas impacted and conserved are based on the grading site plans provided at the time of surveys. Site plans have changed over the years and each survey year accounts for the most recent site plans provided. Populations 2, 6, and 10 are within the conservation area as of Oct. 2023 site plans** Populations 13-16 were new populations identified in 2023. *** Conservation loss ratio measures the total area or individuals within conservation area in relation to the total area or total individuals within the development impact footprint (e.g., acres conserved/areas impacted; conserved individuals/impacted individuals)


LIVE OAK
ASSOCIATES, INC.
Lester Property
Congdon's Tarplant Populations
Date
10/25/2023
Project #
1851-02
Figure #
5
Dublin Canyon Road
Project Boundary
Project Boundary
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
500' 0 500 feet
approximate scale
LEGEND
Congdon's Tarplant (Centromadia parryi ssp. condgonii)
Historic Extents from 2014, 2016, 2017, & 2019 Surveys
4
Congdon's Tarplant (Centromadia parryi ssp. condgonii)
2023 Survey Population & Number
Source:
Aerial Photo courtesy of U.S.D.A. Soil Conservation Service


LIVE OAK
ASSOCIATES, INC.
Lester Property
Congdon's Tarplant Impacts
Date
10/25/2023
Project #
1851-02
Figure #
6
Dublin Canyon Road
Project Boundary
Project Boundary
11
13
15
1
3
2
4
4
4
10
9
8
7
16
500'
0
500 feet
approximate scale
Source:
Aerial Photo courtesy of U.S.D.A. Soil Conservation Service
Congdon's Tarplant (Centromadia parryi ssp. condgonii) 2023 Survey Population & Number
4
Populations Within Conservation Area (approx 3.3 Ac., 831,570 individuals)
Populations Within Impact Area (approx 1.8 Ac., 87,957 individuals)
Project Boundary
Daylight Line / Limit of Grading

As indicated in Table 4, populations of Congdon's tarplant fluctuate between survey years both in terms of area occupied as well as estimated individuals. The natural variability of population expansion and contraction is critical when determining development impacts to onsite Congdon's tarplant populations. The differing phenology, precipitation, and plant density variability between survey years influence the overall population numbers and extent or coverage.

Congdon's tarplant is considered a focal species of the EACCS, and the EACCS has a standardized mitigation ratio for Congdon's tarplant of 5:1. Tarplant conservation: loss ratios range from a low of 1:1 for area and individuals in 2014 to a high of 6:1 for area and 17:1 for estimated individuals in 2017. In 2023, the conservation: loss ratio was 2:1 for area and 9:1 for individuals. The mean across all five survey years is 2:1 for area and 8:1 for estimated individuals. Based on the conservation: loss ratio for individuals, the project is consistent with the 5:1 mitigation ratio set by the EACCS assuming preserved populations are managed in-perpetuity for the benefit of the species.

Mitigation. The Congdon's tarplant is the only special-status plant species expected to be impacted by the project. The mitigation provided below will reduce impacts to a less-than-significant level and ensure that the project consistent with the EACCS.

Avoidance and Minimization. Avoidance of a sensitive resource is considered the preferred strategy. In this case, based on the five-year survey results on the site for Congdon's tarplant, the project is designed to avoid impacts to the most important and stable populations on the site which occur on areas being conserved in perpetuity. Four new populations identified in 2023 occur in the conservation area and will be avoided by the project.

Compensation. The project will compensate for the loss of tarplant on the project development area via the preservation of estimated individuals at a mean ratio of 8:1. However, per the EACCS, mitigation for Congdon's tarplant must also demonstrate habitat enhancement, not just preservation. Therefore, a Resource Management Plan (RMP) would also need to be prepared and implemented, as described below. An RMP shall be prepared by a qualified biologist. At a minimum, the RMP shall include the following:

- Party or parties responsible for implementation of the RMP.
- Allowed and prohibited activities on preserved lands.
- The locations and types of any fencing, signs and/ or interpretive signs to be constructed on preserved lands.
- A monitoring and management plan for non-native and/or invasive species considered detrimental to protected resources (i.e., weed abatement and invasive species removal).
- The types, frequency, and timing of any maintenance activities to be conducted on preserved lands (i.e., litter removal, fence or sign repairs, fire prevention activities such as mowing, etc.).
- The RMP should include a grazing and/or mowing component, and requirements of any grazing management plan will also be included. For grazing, this plan would include applicable stocking rates (based on the best current information), how other sensitive resources occurring on-site such as riparian habitats will be protected (if necessary) and any monitoring requirements, such as the monitoring of Residual Dry Matter (RDM). A mowing plan should include timing of mowing activities to best enhance habitat for this species.
- A mechanism whereby the RMP shall be funded in perpetuity. Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and / or through monthly Homeowner Association (HOA) fees.

The implementation of the above Avoidance, Minimization and Compensation measures, along with preparation and implementation of a Resource Management Plan will reduce impacts to Congdon's tarplant to a less-than-significant level and comply with the EACCS.

3.3.3 Loss of Habitat for Special Status Animals

Potential Impacts. Twenty-two special status animal species occur, or once occurred, regionally (Table 2). With the exception of the Crotch's bumble bee, California red-legged frog, Alameda whipsnake, white-tailed kite, northern harrier, golden eagle (foraging), Townsend's big-eared bat, pallid bat, western mastiff bat, San Francisco dusky-footed woodrat, American badger, and

ringtail, all of these other special status species would be absent from or unlikely to occur on the site due to unsuitable habitat conditions. Proposed development activities would have no impact on these species because there is little or no likelihood that they are present.

The white-tailed kite, northern harrier, golden eagle (foraging habitat), Townsend's big-eared bat, pallid bat, western mastiff bat, San Francisco dusky-footed woodrat, and ringtail may occur more frequently as regular foragers or may be resident on the site. Roosting habitat for bat species is absent, and as foraging habitat is readily available on adjacent properties and in the local region, mitigation is not warranted for potential impacts to bat habitat. These species either occur on the site incidental to home range and migratory movements, thus using the site infrequently, or may forage on the site year-round or during migration. Project buildout would have a minimal effect on the breeding success of these species and would, at most, result in a relatively small reduction of foraging and/or roosting habitat that is abundantly available regionally. Therefore, the loss of habitat for these species would be considered less-than-significant. See section 3.3.7 for a discussion of impacts and mitigations for nesting birds, including white-tailed kite and northern harrier and sections 3.3.10,3.3.11,3.3.12 for discussions of impacts and mitigations for direct impacts to golden eagles, San Francisco dusky-footed woodrats, and ringtails, respectively.

The remaining five species—the Crotch bumble bee, California red-legged frog, Alameda whipsnake, burrowing owl (absent, but provide for pre-activity surveys as a measure of caution) and American badger—may occur on the site more frequently. Construction activities may result in some habitat loss and/or mortality to individuals of these species, which would be potentially significant. See sections 3.3.4- 3.3.5, 3.3.6, 3.3.8 & 3.3.9 for discussions of impacts and mitigations for these five species, respectively.

Mitigation. Mitigation measures for impacts to the Crotch's bumble bee, California red-legged frog, Alameda whipsnake, nesting migratory birds and raptors, burrowing owl, American badger, golden eagles, San Francisco dusky-footed woodrat, and ringtail are discussed in 3.3.4, 3.3.5, 3.3.6, 3.3.7, 3.3.8, 3.3.9, 3.3.10, 3.3.11 & 3.3.12, respectively. For the remaining species discussed above, species-specific mitigation measures are not warranted.

3.3.4 Impacts to Callippe Silverspot Butterflies

Potential Impacts. Since the site the site supports potential habitat for the Callippe silverspot butterfly's host plant, the Johnny jump-up (*Viola pedunculata*), the Callippe silverspot butterfly may be harmed by construction of the project within the grasslands of the site either directly or by removal of their host plant. The site is also within the modeled/mapped potential habitat for the Callippe silverspot butterfly in the East Alameda County Conservation Strategy (ICF 2010).

Considerable debate has occurred as to the subspecies classification of the local occurring Callippe silverspot butterfly. Butterfly ecologists that have originated from Paul Ehrilich's lab at Stanford University have unequivocally concluded that the subspecies of the Callippe silverspot in the Pleasanton region is clearly the common *Speyeria callippe comstocki*. The USFWS has yet to provide clarity as to whether they would consider any Callippe silverspot butterfly the listed or common subspecies in the region.

Surveys to determine the presence or absence of the host plant Johnny jump-up were conducted by Senior Associate Entomologist Dr. Raymond White on March 13, 2015, within the appropriate blooming period (February through April). No Johnny jump-up plants were observed. Dr. White made note of yellow flowers observed in the field (buttercups, dandelions, lotus, and sun cup); he also noted a general lack of potential nectar sources for the Callippe silverspot butterfly such as buckeye trees (*Aesculus sp*.) and yerba santa (*Eriodictyon sp*.). Dr. White observed one of each of the following butterflies during his survey: *Pieris* sp., *Vanessa* sp., *Precis* sp., and *Nymphalis milberti*. However, no Callippe silverspot butterflies were observed. Since the result of the March 2015 survey was negative for the host plant Johnny jump-up, both the host plant and the Callippe silverspot butterfly are absent from the site.

Mitigation. No mitigation for impacts to Callippe silverspot butterfly is warranted. However, this project provides for the preservation of approximately 104.6 acres of open space outside of the grading envelope, including approximately 67.18 acres of California annual grassland, which will be preserved in-perpetuity, most of which will be managed by EBRPD (Table 3). These lands will be preserved and have the potential to be used to promote the species recovery should EBRPD decide to plant Johnny jump-up to attract the Callippe silverspot butterfly to these lands.

3.3.5 Impacts to Crotch's Bumble Bee

Potential Impacts. There is a possibility the Crotch's bumble bee occurs on the project site. If the species occurs onsite and there is a nest underground, project-related demolition, excavation, and grading activities could result in loss of individuals. Loss of underground nests or individual bees may be considered a significant impact to Crotch's bumble bee. The preferred approach is to avoid and minimize impacts to them. However, if avoidance and minimization is not feasible, then the project would need to compensate for the loss of habitat either on or off-site. This would likely also necessitate the need for the project to obtain an Incidental Take Permit from CDFW. Therefore, the project applicant should conduct pre-activity surveys for the Crotch's bumble bee prior to ground disturbance.

Mitigation. The following measures would reduce impacts to a less than significant level to occupied habitat for the Crotch's bumble bee.

Mitigation Measure 3.3.4a (Pre-construction Surveys). A qualified biologist would conduct preconstruction surveys with methodology approved by CDFW during the three stages of Crotch's bumble bee flight period; once a positive identification is made, no further general surveys are necessary, at that point, intensive surveys would occur (see Mitigation Measure 3.3.6b). The three stages of flight periods include: 1) queen flight after emergence is February-March; 2) highest detection time for nests is April-August; 3) queens solo flight is September-October when queens find a hibernation area. Surveys should be conducted in the two flight periods prior to the start of construction with two surveys occurring at least three weeks apart within each of those flight periods. These surveys will increase the likelihood this species and their underground nests are observed should they be present on the site. Survey schedules are shown below:

Start of Construction Date	Required Survey Periods	Dates of Survey Periods
November-March	2 & 3	2 surveys April-August 2 surveys September-October
April-August	3 & 1	2 surveys September-October 2 surveys February-March
September-October	1 & 2	2 surveys February-March 2 surveys April-August

Bumble bees observed will be photographed and a GPS point taken. If a Crotch's bumble bee is positively identified, general surveys will stop and intensive surveys (see Mitigation Measure 3.3.6b) will begin.

General Survey Timing: This survey should be conducted the season prior to the start of work. (i.e., if work is expected to start in the late summer, surveys may occur that same year; if work is expected to start in winter or early spring, the surveys should occur the year before).

Mitigation Measure 3.3.4b (Avoidance). Should a Crotch's bumble bee be observed, intensive surveys to locate underground nests should be conducted. Appropriate weather for intensive surveys is warm and sunny or sunny with some overcast with temperatures between 60- and 90-degrees Fahrenheit. Should an underground nest be located, individuals at the nest will be photographed to confirm species. If confirmed underground nest of Crotch's bumble bee is observed, the nest should be flagged and a 25-foot buffer established around the nest.

Mitigation Measure 3.3.4c (Minimization). If a Crotch's bumble bee or a Crotch's bumble bee nest is observed, an avoidance plan would be developed and reviewed by CDFW prior to project work and/or vegetation removal or ground disturbance.

Mitigation Measure 3.3.4d (Compensation). If Crotch's bumble bee exists onsite and if take avoidance is not feasible, then a mitigation plan that provides for on- or off-site compensation

should be completed. The Plan should provide for a minimum of a 1:1 replacement ratio of suitable habitat. It should define the location and whether this mitigation is on or off-site, measures to restore and/or enhance existing habitat, management strategies to maintain the conservation value of the habitat into perpetuity, and a funding source for the ongoing management.

Compensation may necessitate the need to obtain an Incidental Take Permit from CDFW under the state Endangered Species Act (ESA). If in the end, the Fish and Game Commission chooses to not list the Crotch's bumble bee under the state ESA, then this will vacate the need to implement Mitigation of Mitigation Measure 3.3.4b and 3.3.4c.

3.3.6 Impacts to California Red-Legged Frogs

Potential Impacts. The western portion of the site that is proposed for in-perpetuity preservation occurs within Critical Habitat Unit ALA-1B for the California red-legged frog (CRLF), while most of the areas of the site proposed for development occur outside of and to the east of critical habitat. A habitat assessment was conducted on the site by LOA associate herpetologist Dr. Mark Jennings to determine whether habitat was present on the site for CRLF and for other sensitive amphibian and reptile species. Dr. Jennings determined that aquatic features of the site lacked suitable hydrology to provide breeding habitat for CRLF, and therefore, the project is not expected to result in a loss of breeding habitat for this species. Although breeding habitat is absent, CRLF may occur within the riparian corridors or in their immediate vicinity during movement and foraging activities.

Nearly 100% (i.e., 99.7%) of riparian habitat is proposed for in-perpetuity protection by the project. The project proposes to impact approximately 23.9 acres of uplands that mostly provide refugia habitat for CRLF while preserving up to 104.6 acres of habitats, including all of the riparian woodland that provides the best movement and foraging habitat for this species. Project plans would result in a less-than-significant impact on CRLF upland, movement, and foraging habitat. The loss of 23.9 acres of upland refugia habitat would be considered significant. Harm or mortality to individual CRLF could occur during project construction activities should CRLF be

present in these areas. Harm or mortality to individual CRLF would be considered a significant impact.

Mitigation. The following avoidance, minimization and compensation measures would reduce impacts to CRLF to a less-than-significant level.

Avoidance and Minimization. Avoidance of a sensitive resource is usually considered the preferred mitigation for any project. Clustering and siting of the project has allowed for the in-perpetuity preservation of approximately 104.6 acres including nearly all of the riparian woodland and stream habitats that provides the best movement and foraging habitat for CRLF on the site within the riparian corridors of Devaney Creek and its unnamed tributary.

The project should be designed, built, and operated in ways that minimize both direct and indirect impacts to the CRLF. Clustering and siting of the project has also allowed for the in-perpetuity preservation of approximately 104.6 acres of open space outside of the grading envelope, the majority of which is contiguous with other open space lands to the north, south, and west. This on-site preserved open space will include a mosaic of habitat types including approximately 67.18 acres of California annual grassland, nearly 100% of mixed riparian woodland, oak woodland, and chaparral habitats (Table 3). These conservation land avoids and minimizes impacts to CRLF habitat.

Implementation of the following measures, partially summarized below and described more fully in Appendix D, should be taken during construction to avoid harm or mortality to individual CRLF.

- Conduct protocol-level CRLF surveys or assume presence on the site.
- Prior to the start of construction, an approved qualified biologist should train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices.
- Pre-construction surveys should be conducted to ensure that CRLF are absent from the construction area. If CRLF are present, they should be relocated by a qualified biologist.
- The construction zone should be cleared, and silt fencing should be erected and maintained around construction zones to prevent CRLF from moving into these areas.

- A biological monitor should be present onsite during times of construction, such as any impacts to the creek, to ensure no CRLF are harmed, injured, or killed during project buildout.

Specific Avoidance and Minimization Measures for the California red-legged frog reported in Table 3-3 of the EACCS include:

- "If aquatic habitat is present, a qualified biologist will stake and flag an exclusion zone prior to activities. The exclusion zone will be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone will encompass the maximum practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry.
- A qualified biologist will conduct preconstruction surveys prior to activities to define a time for the surveys (before groundbreaking). If individuals are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFG approved relocation site.
- A Service-approved biologist should be present for initial ground disturbing activities.
- If the work site is within the typical dispersal distance (contact USFWS/CDFG for latest research on this distance for species of interest) of potential breeding habitat, barrier fencing will be constructed around the worksite to prevent amphibians from entering the work area. Barrier fencing will be removed within 72 hours of completion of work.
- No monofilament plastic will be used for erosion control.
- Construction personnel will inspect open trenches in the morning and evening for trapped amphibians.
- A qualified biologist possessing a valid ESA Section 10(a)(1)(A) permit or Service approved under an active biological opinion, will be contracted to trap and to move amphibians to nearby suitable habitat if amphibians are found inside fenced area.

- Work will be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1" or greater, to April 15)."

In addition, the EACCS specifies that a project should obtain an Incidental Take Permit if occupied habitat is adjacent to the site and suitable habitat is on the project site.

Compensation. The project proposes to preserve in-perpetuity approximately up to 104.6 acres of the site as open space outside of the grading envelope. This amount of open space would more than sufficiently compensate for any loss of CRLF upland habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS (ICF International 2010) were used as part of the assessment for suitability of mitigation lands for the CRLF. Standardized mitigation ratios for the CRLF, according to Table 3-7 in the EACCS, is 3:1 if the development area is within critical habitat and 2.5:1 if the development area is outside of critical habitat. In this case, most of the development area of the project is outside of Critical Habitat, therefore, the project as proposed appears consistent with the standardized ratios set forth by the EACCS for this species.

A Resource Management Plan should be prepared for the explicit purpose of managing the open space area for potentially sensitive species potentially occurring on the site. This plan should be submitted to the City for review and approval. At a minimum this plan should:

- Identify the approaches to be used and provide evidence that sufficient water budget exists for any proposed enhancement;
- Identify a suitable planting regime for restoring or enhancing riparian habitats;
- Identify success criteria for monitoring both the wetland and riparian habitats that are consistent with similar habitats regionally;
- Monitor restored or enhanced riparian habitats for 5 years;

- Define and identify maintenance and management activities to manage the open space habitats to meet the stated goals of supporting habitat characteristics suitable for the CRLF. This would include trash removal to prevent racoons that predate on CRLF, suitable fencing so as to control access, limited cattle grazing, or other procedures to manage grass height and forage production at levels that benefit the CRLF
- Define and provide for a financial mechanism such as a non-wasting endowment or an assessment district that funds the management of the open space into perpetuity.

These measures would reduce impacts to CRLF to a less-than-significant level.

3.3.7 Impacts to Alameda Whipsnakes

Potential Impacts. The project site is located almost entirely within Critical Habitat for the Alameda whipsnake, and the proposed project would result in the loss of approximately 23.9 acres of upland habitat within the grading envelope that is suitable for all life stages of the whipsnake. Additionally, suitable habitat for the Alameda whipsnake exists immediately adjacent to the project's boundaries. Therefore, the project would result in the loss of approximately 23.9 acres of habitat for this species and could result in harm or mortality to individuals of this species, should they occur on the site during project construction activities. The loss of habitat and the potential harm or mortality to individuals of this species would be considered a significant impact of the project.

Mitigation. Implementation of the avoidance, minimization, and compensation measures for the CRLF (see section 3.3.5) would adequately address impacts to Alameda whipsnakes (see Appendix D for a more complete set of minimization measures).

Avoidance and Minimization. Specific Avoidance and Minimization Measures for the Alameda whipsnake reported in Table 3-3 of the EACCS include:

- No monofilament plastic will be used for erosion control.
- Barrier fencing may be used to exclude focal reptiles. Barrier fencing will be removed within 72 hours of completion of work.

- Construction crews or on-site biological monitors will inspect open trenches in the morning and evening for trapped reptiles.
- Ground disturbance in suitable habitat will be minimized.
- A USFWS and CDFW-approved biological monitor will be present for all ground disturbing activities in suitable habitat.
- A qualified biologist possessing a valid ESA Section 10(a)(1)(A) permit or Service approved under an active biological opinion, and approved by CDFG will be contracted to trap and to move reptiles to nearby suitable habitat if listed reptiles are found inside fenced area."

Additional applicable goals of the EACCS for the Alameda whipsnake include:

- Conservation Action AWS-6 strives to "implement grazing management plans on all protected lands in Alameda whipsnake Recovery Units that are based on the most up-to-date research findings on grazing levels and whipsnake population response".
- Section 3.5.3.8 states that "…protection of parcels that include parts of important linkages as described in the Draft Recovery Plan for Chaparral and Scrub Community Species East of San Francisco Bay, California, may qualify as mitigation locations for this species".
- "Conduct Alameda whipsnake surveys on private and public lands on both sides of I-580, I-680, and SR 84 to identify linkages between Recovery Unit 3 and units to the north and south. Linkages are important for breeding and genetic diversity among whipsnake populations."
- "Protect suitable habitat, which includes a matrix of chaparral and scrub communities, rock outcrops, annual grasslands, and riparian corridors inside Recovery Units for Alameda whipsnake. If possible, priority for protection should be given to areas that are also designated critical habitat. This will help reach the USFWS draft recovery goals for this species."

Compensation. Clustering and siting of the project has also allowed for the in-perpetuity preservation of approximately up to 104.6 of open space outside of the grading envelope of similar habitat quality to the approximately 23.9 acres that will be impacted by the project (Table

3). This amount of open space would more than sufficiently compensate for any loss of Alameda whipsnake upland habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the East Alameda County Conservation Strategy (EACCS; ICF International 2010) were used as part of the assessment for suitability of mitigation lands for the Alameda whipsnake. Standardized mitigation ratios for the Alameda whipsnake, according to Table 3-9 in the EACCS, are as follows:

If the development area is within critical habitat and the mitigation area is within critical habitat, and both are within the same Recovery Unit (both areas in this case are within Recovery Unit 3) the mitigation ratio is 3:1.

If the development area is outside of critical habitat but inside a Recovery Unit and the mitigation area is outside critical habitat but inside the same recovery unit, the mitigation ratio is 3:1.

If the development area is outside of critical habitat but inside a Recovery Unit and the mitigation area is inside critical habit and within the same Recovery Unit, 2.5:1.

All other types of mitigation would require site-specific agency approval.

Areas proposed for preservation by the project would meet the EACCS goals of preserving a mosaic of habitats at an approximate 3:1 ratio, including woodland and upland habitats adjacent to riparian woodlands. Most of the proposed open space consists of upland habitats (i.e., grasslands).

3.3.8 Disturbance to Nesting Raptors and Migratory Birds

Potential Impacts. Trees throughout the oak woodland and riparian woodland habitats of the site and lone trees within the grasslands of the site provide suitable nesting habitat for tree-nesting raptors and migratory birds. If a raptor or other migratory bird, regardless of its federal or state status, were to nest on or adjacent to the site prior to or during proposed construction activities, such activities could result in the abandonment of active nests or result in direct mortality to these birds. Construction activities that adversely affect the nesting success of

raptors or result in mortality of individual birds would constitute a violation of state and federal laws and would be considered a potentially significant impact under CEQA.

Mitigation. To the maximum extent practicable, trees planned for removal should be removed during the non-breeding season (September 1 through January 31). If it is not possible to avoid tree removal or other disturbances during the breeding season (February 1 through August 31), a qualified biologist should conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 feet of the footprint. This survey should be conducted no more than 7 days prior to the initiation of demolition/construction activities during the early part of the breeding season (February 1 through April 30) and no more than 30 days prior to the initiation of these activities during the later part of the breeding season (May 1 through August 31). If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer should be established around all active nests. The precise dimension of the buffer (up to 250 feet) would be determined at that time and may vary depending on location and species. Buffers should remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities. Implementation of the above measures would mitigate impacts to tree-nesting raptors and other migratory birds to a less-than-significant level.

3.3.9 Impacts to Burrowing Owls

Potential Impacts. Although no burrowing owls have been observed on the site and are presumed absence due to the failure to detect them during numerous surveys from 2014 to 2025. None the less, as burrowing owls are volant species, while unlikely, there is the possibility of the burrowing owl colonizing the site prior to construction activities are initiated on site. Construction activities that adversely affect the nesting success or result in mortality of individual owls would constitute a violation of state and federal law and would be a potentially significant impact.

Additionally, should burrowing owls occur on the site, the project could result in the loss of breeding habitat for this species, and this would also be a potentially significant impact. If present, the applicant would likely be required to obtain an incidental take permit from CDFW.

Mitigation. Avoidance, minimization, and compensation measures are provided below that would reduce potential impacts to burrowing owls to a less-than-significant level.

Avoidance and Minimization. To avoid potential impacts to active burrowing owl nests and adult owls, a qualified biologist should conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 7 days prior to project ground disturbance during the early part of the breeding season (i.e., February 1 through April 30) and no more than 30 days prior to the onset of ground disturbance during any other times of year. These surveys should be conducted in a manner consistent with accepted burrowing owl survey protocols. Specific Avoidance and Minimization Measures for the burrowing owl reported in Table 3-3 of the EACCS include:

- "If an active nest is identified near a proposed work area work will be conducted outside of the nesting season (March 15 to September 1).
- If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone will be established by a qualified biologist. The no-activity zone will be large enough to avoid nest abandonment and will at a minimum, be 250-feet radius from the nest.
- If the burrowing owls are present at the site during the non-breeding period, a qualified biologist will establish a no-activity zone of at least 150 feet.
- If an effective no-activity zone cannot be established in either case, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls."

Additional applicable goals of the EACCS for the burrowing owl include:

- "Increase the burrowing owl nesting population (number of nesting pairs) and number of nesting locations in the study area."
- "Objective 19.3. Protect and monitor all burrowing owl nest sites, including surrounding foraging habitat, in the study area."
- "Conservation Action BUOW-1 [and BUOW-2]. Acquire, through fee title purchase or conservation easement, parcels with documented burrowing owl nests…[or] …with a history of burrowing owl occupation and/or nesting activity during the previous three breeding seasons…in the study area."
- "Conservation Action BUOW-3. Mitigate the loss of burrowing owl nesting habitat (suitable habitat within 0.5 mile of documented nest occurrence during previous 3 years) ..."
- "Objective 19.4. Enhance suitable burrowing owl habitat on public and private lands in the study area through implementation of species-specific measures in management plans."
- "Conservation Action BUOW-6. Purchase easements on land surrounding burrowing owl nest colonies or potential nest sites to ensure that the parcel will remain in types of grazing land, irrigated pasture, or dryland agriculture that provide foraging habitat for nesting burrowing owls."
- "Conservation Action BUOW-8. Consistent with GRA-10, cease using rodenticides in protected areas and, when possible, outside protected areas. When rodent management is needed to protect the integrity of structures such as levees and stock pond dams or to prevent nuisance populations on adjacent private lands, encourage land managers to use IPM principles."

Compensation. The project proposes to preserve up to 104.6 acres of the site as open space. This amount of open space would more than sufficiently compensate for any loss of burrowing owl habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat

lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS (ICF International 2010) were used as part of the assessment for suitability of mitigation lands for the burrowing owl. Standardized mitigation ratios for the burrowing owl, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land is sited.

3.3.10 Impacts to American Badgers

Potential Impacts. The site provides potential denning and foraging habitat for badgers. Although the loss of such habitat would be a less-than-significant impact due to the availability of such habitat in the region and the proposed in-perpetuity preservation up to 104.6 acres on the site outside of the grading envelope, should badgers occur on the site during project ground disturbance activities, these activities could result in harm or mortality to individual badgers, and this would be a potentially significant impact.

Mitigation. The following avoidance, minimization and compensation measures would reduce impacts to badgers to a less-than-significant level.

Avoidance and Minimization. Pre-construction surveys conducted for burrowing owls should also be used to determine the presence or absence of badgers within or immediately adjacent to the development footprint. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or other distance specified by CDFW) should be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor should be present on the site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or den abandonment. The monitor would be necessary on the site until it is determined that any badger young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the site, the burrows can be collapsed or excavated and ground disturbance can proceed. Specific Avoidance and Minimization Measures for the badger reported in Table 3-3 of the EACCS include:

- "If potential dens are present, their disturbance and destruction will be avoided.

- If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the USFWS and CDFG.
- If unoccupied, the qualified biologist will collapse these dens by hand in accordance with USFWS procedures (U.S. Fish and Wildlife Service 1999). Exclusion zones will be implemented following USFWS procedures (U.S. Fish and Wildlife Service 1999) or the latest USFWS procedures available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den–50 feet; Known Den–100 feet; Natal or Pupping Den–to be determined on a case-by-case basis in coordination with USFWS and CDFG.
- Pipes will be capped, and trenches will contain exit ramps to avoid direct mortality while construction areas is active".

Additional applicable goals of the EACCS for the badger include:

- "Maintain the American badger population while protecting and enhancing important regional linkages for the species in the study area."
- "Objective 20.2. Maintain the American badger population in the study area at a level that allows for long-term viability of the population."
- "Conservation Action AMB-2. Acquire parcels in the study area with documented American badger populations through fee title purchase or conservation easement."
- "Conservation Action AMB-4. Acquire parcels that protect linkages across I-580 and I-680 through fee title purchase, conservation easement, or agricultural easement."
- "Objective 20.3. Enhance suitable American badger habitat on public and private lands in the study area through implementation of species-specific measures in management plans."
- "Conservation Action AMB-6. Allow the expansion of California ground squirrel colonies on all protected lands except when needed to protect the integrity of structures such as levees or stock pond dams or to prevent nuisance populations on adjacent private lands."

- "Conservation Action AMB-7. Consistent with GRA-10 and BUOW-8, cease using rodenticides in protected areas and, when possible, outside protected areas. When rodent management is needed to protect the integrity of structures such as levees or stock pond dams or to prevent nuisance populations on adjacent private lands, encourage land managers to use IPM principles."

Compensation. The project already proposes to preserve in-perpetuity up to 104.6 acres of the site as open space outside of the grading envelope. This amount of open space would more than sufficiently compensate for any loss of badger habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS (ICF International 2010) were used as part of the assessment for suitability of mitigation lands for the badger. Standardized mitigation ratios for the badger, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land is sited.

3.3.11 Potential Impacts to Golden Eagles

Potential Impacts. Foraging habitat is present on the site for this species, and although golden eagles were not observed on the site during surveys, this species would be expected to forage on the site. Golden eagles are known to occupy a nest site approximately five miles to the southwest of the site. Nesting habitat is extremely marginal within the project development footprint as few large trees are present; however potential, albeit marginal, nesting habitat is present within the riparian corridors of the site in proximity to proposed project development. The loss of foraging habitat would be a less-than-significant impact of the project as such habitat is abundant in the project region and the project proposes to preserve up to 104.6 acres of habitat on the site outside of the grading envelope; however, in the unlikely event an eagle were to nest on the site in close proximity to project construction activities, these activities could potentially result in nest abandonment and mortality to unfledged young, and this would be a significant impact.

Mitigation. Although nesting habitat is marginal on the development site and its proximity, in the unlikely event that an eagle did nest on the site, the following mitigation would ensure that

the project does not cause nest abandonment. Pre-construction surveys for other nesting birds and raptors will include a survey for nesting golden eagles to determine their presence or absence within 250 feet of the development footprint. Specific Avoidance and Minimization Measures for the golden eagle reported in Table 3-3 of the EACCS include:

- "If an active nest is identified near a proposed work area work, will be conducted outside of the nesting season (February 1 to September 1).
- "If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone will be established by a qualified biologist. The no-activity zone will be large enough to avoid nest abandonment and at a minimum will be a 250-feet radius around the nest."
- "If an effective no-activity zone cannot be established in either case, an experienced golden eagle biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the eagles, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the eagles."

Additional applicable goals of the EACCS for the golden eagle include:

- "Maintain the nesting golden eagle population in the study area at a level that allows for long-term viability without human intervention."
- "Objective 17.4. Enhance suitable golden eagle habitat on public and private lands in the study area through implementation of species-specific measures in management plans."
- "Conservation Action GOEA-4. Consistent with Conservation Action GRA-10, cease using rodenticides in protected areas and, when possible, outside protected areas. When rodent management is needed to protect the integrity of structures such as levees or stock pond dams or to prevent nuisance populations on adjacent private lands, encourage land managers to use IPM principles."

Compensation. The project proposes to preserve up to 104.6 acres of the site outside of the grading envelope as open space. This amount of open space would more than sufficiently compensate for any loss of golden eagle foraging habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS (ICF International 2010) were used as part of the assessment for suitability of mitigation lands for the golden eagle. Standardized mitigation ratios for the golden eagle, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land is sited. The majority of the area proposed for preservation consists of grassland habitat, although it also includes woodland and riparian woodland habitat.

3.3.12 Impacts to San Francisco Dusky-Footed Woodrats

Potential Impacts. The riparian woodlands provide potentially suitable habitat for this species. However, no woodrat nests were observed during the site visit. Should woodrats occur on the site during project ground disturbance activities, these activities could result in harm or mortality to individual woodrats, and this would be a potentially significant impact.

Mitigation. The following avoidance, minimization and compensation measures would reduce impacts to San Francisco dusky-footed woodrats to a less-than-significant level.

Avoidance and Minimization. A qualified biologist will conduct a pre-construction survey for San Francisco dusky-footed woodrat nests no more than 30 days and no less than 14 days prior to the onset of construction activities in or within 50 feet of riparian habitat. This survey timing allows for the scheduling of and deconstruction of any woodrat nests which need relocating. The survey will encompass all construction zones and surrounding lands within 50 feet. If no woodrat nests are present, no additional measures are required.

A report shall be prepared for submission to the City summarizing the results of the survey which identifies any buffer zones and outlines recommended next steps, including measures implemented to prevent impacts to San Francisco dusky-footed woodrats.

Nest deconstruction: Identified nests will be avoided, where possible. If avoidance is not possible, the nest(s) will be manually deconstructed by a qualified biologist when helpless young are not

present, typically during the non-breeding season (October through January). The nest will be reconstructed in a nearby suitable area.

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

3.3.13 Impacts to Ringtails

Potential Impacts. Suitable habitat is restricted to the riparian woodlands onsite. While nearly 100% (i.e., 99.7) of the mixed riparian habitat and oak woodland habitat are being preserved, construction activities will occur within close proximity to portions of these habitats. Therefore, there is a small chance site development may result in direct mortality or injury to any ringtail individuals in or adjacent to the riparian and oak woodland habitats. Direct mortality or injury to an individual ringtail would be considered a significant impact under CEQA. However, reasonable measures, described below, could be implemented that would avoid impacts to individual ringtail.

Mitigation. The following mitigation measures would ensure that impacts to individual ringtail would be avoided.

Pre-construction Survey. A qualified biologist shall conduct preconstruction surveys for the ringtail prior to any disturbance to the property. All suitable areas within the site shall be surveyed with walking transects within 2 days prior to the onset of construction. This survey can be conducted in conjunction with other preconstruction surveys.

Tailgate Training. All workers on the project and access corridor shall attend a tailgate training that includes a description of the species, a summary of its biology, and minimization measures and instructions on what to do if a ringtail is observed.

Protective Measures for Individuals. In the event an individual is discovered within a construction zone onsite, construction would be halted until the individual self-relocates from

the site. A ringtail would not be expected to be residing within the area of development; therefore, self-relocation is believed to be inevitable. Once the biologist has determined that the animal has moved outside of potential danger, construction activities could resume. If the ringtail is found to be residing within a construction zone onsite, an appropriate construction-free buffer (to be determined by a qualified biologist) would be established around the area being used by the ringtail until the nest is abandoned by adult(s) and young for the year (approximately after September).

3.3.14 Disturbance to Waters of the United States or Riparian Habitats

Potential Impacts. A formal wetland delineation has been conducted on the site in 2016 and 2023 (LOA 2016). The USACE has issued a Jurisdictional Determination (JD; 2017) which determined that jurisdictional waters of the U.S. are present on the site in the form of Devaney Creek and its unnamed tributary to the extent of the Ordinary High-Water mark (OHWM) on opposing banks. Additionally, the USACE determined that approximately 0.42 acres of seasonal wetlands identified in the northern portion of the site near Dublin Canyon Road were isolated and non-jurisdictional. The USACE issued a PJD August 15, 2024, which accepted all aquatic features identified on the map as jurisdictional including seasonal wetlands (0.54 acres), tributary waters (1.48 acres and 6,997 lf), seasonal wetland gulley (0.001 acres and 71 lf), and a roadside ditch (0.06 acres and 266 lf).

All waters identified on the site (noted above) including the creeks, ephemeral tributaries, and the seasonal wetlands would be subject to the regulatory authority of the Regional Water Quality Control Board (RWQCB). The creeks on the site would also be considered jurisdictional by the California Department of Fish and Wildlife (CDFW). The limit of RWQCB and CDFW jurisdiction of the creeks would be the top of the bank or the dripline of riparian vegetation, whichever is greater.

All of Devaney Creek, its unnamed tributary, and nearly all of the associated riparian habitats will be preserved by the project with a setback.

Approximately 0.25 acres of seasonal wetland on the site would be filled under the proposed project due to the entrance road from Dublin Canyon Road. Although these wetlands are densely

vegetated by non-native species and appear to provide similar functions and value as the upland grasslands, filling of these features would require a permit from RWQCB and impacts to these features may be potentially significant.

The project will also include the construction of an 18" outfall that will drain into the west side of Devaney Creek and a 24" outfall that drains into the east side of Devaney Creek near the vicinity of Dublin Canyon Road. Specific design details for the outfalls have not yet been determined. While these outfalls are intended to be above OHW, they will impact a small amount of riparian habitat in the range of 0.03 to 0.06 acres.

Mitigation. The project proponent should implement avoidance, minimization, and/or compensation measures to reduce impacts to jurisdictional waters, including seasonal wetlands and riparian habitats to a less-than-significant level.

Avoidance. The preferred method of mitigation would be avoidance of all waters of the U.S. and State by designing the project so that it avoids the placement of fill within potential jurisdictional waters and impacts to riparian habitat and seasonal wetlands. The project is already sited to avoid and minimize impacts to Devaney Creek and its unnamed tributary. However, complete avoidance of the seasonal wetlands will not be due to the siting of the entrance road in the northern portion of the site. Therefore, compensation measures are provided below to reduce this impact to a less-than-significant level.

Minimization. Because full avoidance is not possible, actions should be taken to minimize impacts to aquatic and riparian habitats. Measures taken during construction activities should include placing construction silt fencing around preserved aquatic features and riparian areas to ensure that construction activities do not inadvertently impact these areas.

As part of the project build-out, all proposed lighting should be designed to avoid light, and glare impacts to preserved riparian corridors. Light sources should not be visible from riparian areas and should not illuminate riparian areas or cause glare on the opposite side of the channels (e.g., to neighboring properties). Additionally, proposed development activities should be designed and situated to avoid the loss of trees within any riparian areas to the maximum extent practicable.

Compensation. A wetland/riparian mitigation and monitoring plan (MMP) will be prepared to compensate for a loss of approximately 0.25 acres of seasonal wetlands, 0.06 acres of a Roadside Drainage Ditch and up to 0.06 acres of the loss of riparian habitat (see Table 3). The plan should identify on-site preserve areas having a sufficient water budget (as determined by a hydrologist) for the creation of seasonal wetland habitat that is of equal or greater quality to the seasonal wetland habitats being impacted at a minimum 2:1 creation: loss. If sufficient areas for the creation of wetland habitat cannot be identified on the preserve area, then the MMP may include off-site mitigation, preferably within the same watershed, as an alternative strategy. At a minimum, the MMP will:

- Define the location of all created wetlands and riparian enhancements;
- Provide evidence of a suitable water budget to support any created wetland habitats, as determined by a qualified hydrologist;
- Identify the species, size, number and location of plants to be installed;
- Identify the time of year for planting and any methods for supplemental watering during the establishment period;
- Identify the monitoring period for wetlands of no less than 5 years and no less than 10 years for riparian creation/enhancement;
- Identify measures that will be monitored, and define incremental and final success criteria that will be required for the wetland mitigation to be deemed a success;
- Identify adaptive management procedures that accommodate the uncertainty that comes with wetland creation/riparian enhancement projects. These include (but are not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by wildlife, etc.;
- Define management and maintenance activities (weeding, repair of water delivery systems and browsing protection, etc.); and

- Provide for surety in funding for MMP and for in-perpetuity preservation and management of created wetland habitats.

Regulatory issues. The applicant will also need to comply with all state and federal regulations related to construction work that will impact aquatic habitats occurring on the site. Under the currently proposed project, the applicant is likely to require a permit from the USACE and RWQCB for the filling of seasonal wetlands in the northern portion of the site.

3.3.15 Tree Removal Impacts

Potential Impacts. Tree surveys were conducted on the site by HortScience/Bartlett Consulting in 2014 and 2020; All trees occurring within or in the proximity of the grading footprints of the project having a trunk diameter of more than 6" was surveyed. In total, 208 trees were surveyed.

Of the 208 trees surveyed, 95 of the trees met the City of Pleasanton's criteria for Heritage Trees. These Heritage Trees include 42 coast live oaks; 23 California bays; 10 bigleaf maples; three blue gums; three California black walnuts; three valley oaks; two apples; two trees of heaven; a black locust; a California buckeye, a California incense cedar, an elderberry; a Mexican fan palm; and a willow. The arborist recommends the preservation of 147 of the 208 trees surveyed, including 64 Heritage Trees. The arborist has provided tree protection measures to ensure that retained trees will not be impacted by the project. The final determination as to how many trees will be removed or retained will be made when the grading footprint is staked in the field.

The removal of trees, including Heritage Trees, because of the project would constitute a significant impact. Construction activities that lead to the injury, decline, structural failure, or death of a tree proposed to be retained on the site would also constitute a significant impact.

Mitigation. For trees to be retained, a tree preservation plan should be prepared for the project identifying all protection and mitigation measures to be taken. These measures should remain in place for the duration of construction activities at the project site.

The City of Pleasanton requires a permit to remove Heritage Trees as defined in Section 3.2.7. above.

Obtaining a permit from the City and complying with all permit conditions, as well as preparing a tree protection plan for retained trees would reduce the loss of trees to a less-than-significant level.

3.3.16 Loss of Habitat for Native Wildlife

Potential Impacts. The habitats of the site are likely to comprise only a portion of most wildlife's entire home range or territory. As such, some species may disperse through the site, but most wildlife presently using the site do so as part of their normal movements for foraging, mating, and caring for young. Wildlife species presently occupying the site would be displaced or lost from the proposed development area.

The project as proposed will preserve up to 104.6 acres of on-site land outside of the grading envelope which includes a mosaic of grassland, oak woodland, and riparian woodland/aquatic habitats, much of which is contiguous with other off-site open space to the north, west and south of the site, while impacting approximately 22.17 acres of primarily grassland habitat that is mostly concentrated in the eastern portion of the site and closer to existing off-site development. After this area is developed, large areas of grassland habitats in surrounding lands will remain. Native wildlife currently using the creek corridors on the site during movement and foraging activities will likely continue to use these corridors. This suggests that the proposed project, when considered by itself, will neither result in a wildlife population dropping below self-sustaining levels nor threaten to eliminate an animal community nor result in an impediment to movement between habitats on and off-site. Furthermore, mitigations have been proposed for several species previously discussed to adequately off-set habitat losses. The preservation of approximately 104.6 acres of habitats that include the most important contiguous habitat and movement corridors, would compensate for the loss of 23.9 acres of habitat impacted by development. Therefore, impacts to native wildlife due to the loss of habitat resulting from the proposed project are considered less-than-significant under CEQA.

Mitigation. Mitigation measures are not warranted.

3.3.17 Interference with the Movement of Native Wildlife

Potential Impacts. Residential development occurs to the north, open space, and residential development to the east, and open space to the south and west. Within the site itself, wildlife uses the upland habitats of the site as part of their home range and dispersal movements. The proposed development footprint occurs in the eastern part of the site. Following project buildout, approximately 104.6 acres of the site will remain as open space for use as home range and dispersal movements. Wildlife species presently using the site are expected to continue moving through the open areas of the site and within onsite riparian corridors after project build-out. Therefore, impacts to wildlife movements would not be considered significant.

Mitigation. Mitigation measures are not warranted.

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

Potential Impacts. Proposed construction activities may result in soils left barren in the development footprint. Additionally, extensive grading often leaves the soils of construction zones barren of vegetation and, therefore, vulnerable to sheet, rill, or gully erosion. Furthermore, runoff is often polluted with grease, oil, pesticide and herbicide residues, heavy metals, etc. These pollutants may eventually be carried to sensitive wetland habitats used by a diversity of native wildlife species.

The applicant is expected to comply with the provisions of a grading permit, including standard erosion control measures that employ best management practices (BMPs). Projects involving the grading of large tracts of land must also be in compliance with the provisions of a General Construction permit (a type of NPDES permit) available from the California Regional Water Quality Control Board. Compliance with the above permit(s) should result in no impact to water quality in seasonal creeks, reservoirs, and downstream waters from the proposed project and should not result in the deposition of pollutants and sediments in sensitive riparian and wetland habitats.

Mitigation. Mitigation measures are not warranted.

3.3.19 Local Ordinances, Conservation Strategies or Habitat Conservation Plans

Potential Impacts. Except for local ordinances previously discussed, no local ordinances, HCPs, or NCCPs are known to be in effect for this project. However, the project is within the Gold Creek Watershed of Conservation Zone 8 of the East Alameda County Conservation Strategy study area for which a Programmatic Biological Opinion has been prepared (USFWS 2012). Therefore, the project must follow guidelines for the Congdon's tarplant, which is known to occur on the site as well as for the California red-legged frog, Alameda whipsnake, golden eagle, western burrowing owl, and American badger as these latter species have the potential to occur onsite even if they have not yet been detected. This project will follow mitigation measures identified in this document to help to achieve goals and objectives defined in section 3.5 of the Conservation Strategy (ICF 2010). The project will follow these measures as well as the additional measures in the Biological Opinion (USFWS 2012) which are attached as Appendix E. Additionally, approximately 104.6 acres of similar habitat to the development area will be preserved as a part of this project. Therefore, the proposed project would not be impacted by any local policies related to biological resources.

Mitigation. Additional mitigation measures are not warranted.

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APPENDIX A: VASCULAR PLANTS OF THE STUDY AREA

The plants species listed below were observed on the Lester and Shriner's (Hidden Canyon) project site during the field surveys conducted by Live Oak Associates, Inc.. Surveys occurred on August, 18, 31, and September 15 and 28, of 2023, May 30, September 15 and 30, 2014; and August 26, 2019. The U.S. Fish and Wildlife Service wetland indicator status of each plant has been shown following its common name.

OBL - Obligate
FACW - Facultative Wetland
FAC - Facultative
FACU - Facultative Upland
UPL - Upland
- - No review

ACERACEAE – Maple Family		
Acer macrophyllum	Big leaf maple	FAC
ANACARDIACEAE – Sumac Family		
Toxicodendron diversilobum	Poison oak	UPL
APIACEAE – Carrot Family		
*Conium maculatum**	Poison hemlock	FACW
*Foeniculum vulgare**	Sweet fennel	FACU
*Torilis arvensis**	Hedge parsley	UPL
APOCYNACEAE – Dogbane Family		
*Vinca major**	Greater periwinkle	UPL
ARALIACEAE – Ginseng Family		
*Hedera helix**	English ivy	UPL
ASPARAGACEAE – Asparagus Family		
*Asparagus officinalis**	Asparagus	FACU
ASTERACEAE - Sunflower Family		
Achillea millefolium	Common yarrow	FACU
Anthemus cotula	Chamomile	FACU
Artemisia douglasiana	Mugwort	OBL
Aster sp.	Aster	-
Baccharis pilularis	Coyote brush	UPL
*Carduus pycnocephalus**	Italian thistle	UPL
*Centaurea solstitialis**	Yellow star thistle	UPL
Centromadia parryi ssp. congdonii	Congdon's tarplant	FACW
*Cirsium vulgare**	Bull thistle	FACU
Grindelia camporum	Great Valley gum plant	UPL
*Helminthotheca echioides**	Bristly ox-tongue	FAC*

Holocarpha heermannii	Heermann's tarweed	UPL
*Hypochaeris glabra**	Smooth cat's ear	UPL
*Lactuca serriola**	Prickly lettuce	FAC
*Silybum marianum**	Milkthistle	UPL
*Sonchus arvensis**	Field sowthistle	FACU
*Tragopogon porrifolius**	Salsify	UPL
Wyethia sp.	Mule ear	NI
BETULACEAE – Birch Family		
Corylus cornuta ssp. californica	California hazelnut	*FACU*
BORAGINACEAE – Borage Family		
Amsinckia intermedia	Common fiddleneck	UPL
BRASSICACEAE – Mustard Family		
*Hirschfeldia incana**	Summer mustard	UPL
*Brassica nigra**	Black mustard	UPL
Lepidium nitidum	Shining peppergrass	FAC
CAPRIFOLIACEAE – Honeysuckle Family		
Sambucus nigra ssp. caerulea	Blue elderberry	FAC
Symphoricarpos albus var. laevigatus	Common snowberry	FACU
CONVOLVULACEAE – Morning-Glory Family		
*Convolvulus arvensis**	Field bindweed	UPL
CUCURBITACEAE – Gourd Family		
Marah fabaceous	Manroot	UPL
CUPRESSACEAE – Cypress Family		
Juniperus sp.	Juniper	UPL
DRYOPTERIDACEAE – Wood Fern Family		
Dryopteris arguta	California wood fern	UPL
ERICACEAE – Heath Family		
Arbutus menziesii	Pacific madrone	UPL
EUPHORBIACEAE – Spurge Family		
Croton setiger	Doveweed	UPL
FABACEAE – Legume Family		
Lupinus bicolor	Bicolored lupine	UPL
*Medicago polymorpha**	Burclover	UPL
*Robinia pseudoacacia**	Black locust	FACU
*Trifolium sp.**	Clover	-
*Trifolium hirtum**	Rose clover	UPL
*Vicia sp.**	Vetch	UPL+/-
*Wisteria sinensis**	Wisteria	-
FAGACEAE – Oak Family		

Quercus agrifolia	Coast live oak	UPL
Quercus douglasii	Blue oak	UPL
Quercus lobata	Valley oak	FACU
GERANIACEAE – Geranium Family		
*Erodium sp.**	Filaree	UPL
*Geranium dissectum**	Dissected geranium	UPL
GROSSULARIACEAE – Currant Family		
Ribes sp.	Gooseberry	-
HYDRANGEACEAE – Hydrangea Family		
*Hydrangea macrophylla**	Hydrangea	-
IRIDACEAE – Iris Family		
Iris sp.	Iris	-
JUGLANDACEAE – Walnut Family		
Juglans sp.	California walnut	FAC
LAMIACEAE – Mint Family		
Salvia sp.	Sage	-
LAURACEAE – Laurel Family		
Umbellularia californica	California bay-laurel	FAC
MALVACEAE – Mallow Family		
*Malva sp.**	Mallow	-
MAGNOLIACEAE – Magnolia Family		
*Magnolia grandiflora**	Southern magnolia	-
MORACEAE – Mulberry Family		
*Ficus carica**	Edible fig	UPL
MYRTACEAE – Myrtle Family		
*Eucalyptus globulus**	Blue gum eucalyptus	UPL
OLEACEAE – Olive Family		
*Ligustrum sp.**	**P**rivet	UPL
*Syringa vulgaris**	lilac	-
ONAGRACEAE – Evening Primrose Family		
Epilobium brachycarpum	Annual fireweed	UPL
OROBANCHACEAE – Broomrape Family		
*Bellardia trixago**	Mediterranean linseed	UPL
PAPAVERACEAE – Poppy Family		
Eschscholzia californica	California poppy	UPL
PINACEAE – Pine Family		

*Cedrus sp.**	Cedar tree	-
*Pinus sp.**	Pine tree	-
PITTOSPORACEAE – Pittosporum Family		
*Pittosporum toriba**	Toriba	-
PLANTAGINACEAE – Plantain Family		
*Plantago lanceolata**	English plantain	FACU
PLATANACEAE – Sycamore Family		
Platanus racemosa	Western sycamore	FACW
POACEAE - Grass Family		
Aira caryophyllea	Silver hairgrass	FACU
*Avena fatua**	Wild oat	UPL
*Bromus diandrus**	Ripgut brome	UPL
*Bromus hordeaceus**	Soft chess	FACU-
*Bromus madritensis ssp. rubens**	Red brome	UPL
*Cynosurus echinatus**	Hedgehog dogtail grass	UPL
Elymus triticoides	Beardless wildrye	FAC
*Festuca perennis**	Italian ryegrass	FAC
*Gastridium phleoides**	Nit grass	FACU
*Hordeum marinum**	Seaside barley	FAC
*Hordeum murinum**	Foxtail barley	NI
Lamarckia aurea	Goldentop grass	FACU
Nassella pulchra	Purple needlegrass	UPL
Melica torreyana	Torrey's melic	UPL
*Polypogon monspeliensis**	Rabbitsfoot grass	FACW
*Stipa miliaceum**	Smilo grass	UPL
POLYGONACEAE – Buckwheat Family		
Eriogonum sp.	Buckwheat	-
*Polygonum aviculare**	Yard knotweed	FACW
*Rumex acetosella**	Common sheep sorrel	FAC-
*Rumex crispus**	Curly dock	FACW-
PORTULACACEAE – Purslane Family		
Claytonia perfoliata ssp. perfoliata	Miner's lettuce	FAC
PUNICACEAE – Pomegranate Family		
*Punica granatum**	Pomegranate	UPL
ROSACEAE – Rose Family		
*Cotoneaster sp.**	Cotoneaster	-
*Eriobotrya japonica**	Loquat	-
*Fragaria sp.**	Strawberry	-
*Malus domestica **	Apple	-
*Prunus sp.**	Prunus	UPL

*Prunus armeniaca**	Apricot	-
*Prunus persica**	Peach	-
*Pseudocydonia sinensis**	Quince	-
*Rosa sp.**	Garden rose	-
Rosa californica	Wild rose	FAC
*Rubus armeniacus**	Himalayan blackberry	FACW*
Rubus ursinus	California blackberry	FACW*
RUBIACEAE – Madder Family		
Galium aparine	Bedstraw	FACU
SAPINDACEAE – Soapberry Family		
Aesculus californica	California buckeye	UPL
SCROPHULARIACEAE – Figwort Family		
*Keckiella sp.**	Penstemon	-
Mimulus sp.	Monkeyflower	-
Mimulus aurantiacus	Sticky monkeyflower	UPL
SIMAROUBACEAE – Simarouba Family		
*Ailanthus altissima**	Tree of heaven	FACU
SOLANACEAE – Nightshade Family		
*Petunia integrifolia**	Petunia	-
TAMARICACEAE – Tamarix Family		
*Tamarix sp.**	Tamarisk tree	-
URTICACEAE – Nettle Family		
Urtica dioica ssp. holosericea	Stinging nettle	FACW
VITACEAE – Grape Family		
*Vitis sp.**	Table grape	-

* Introduced non-native species

APPENDIX B: TERRESTRIAL VERTEBRATE SPECIES THAT POTENTIALLY OCCUR ON THE STUDY AREA

The species listed below are those that may reasonably be expected to use the habitats of the Lester and Shriner's (Hidden Canyon) project site routinely or from time to time. The list was not intended to include birds that are vagrants or occasional transients. Terrestrial vertebrate species observed in or adjacent to the study area on May 30, 2014, have been noted with an asterisk.

CLASS AMPHIBIA (Amphibians)

ORDER CAUDATA (Salamanders)

FAMILY SALAMANDRIDAE (Newts)

California newt	*Taricha torosa*

FAMILY PLETHODONTIDAE (Lungless Salamanders)

Yellow-eyed ensatina	*Ensatina eschscholtzii xanthoptica*
California slender salamander	*Batrachoseps attenuatus*
Pacific slender salamander	*Batrachoseps pacificus*
Arboreal salamander	*Aneides lugubris*

ORDER ANURA (Frogs and Toads)

FAMILY BUFONIDAE (True Toads)

Western toad	*Bufo boreas*

FAMILY HYLIDAE (Tree Frogs and Relatives)

Pacific treefrog	*Hyla regilla*

FAMILY RANIDAE (True Frogs)

California red-legged frog	*Rana draytonii*

CLASS REPTILIA (Reptiles)

ORDER SQUAMATA (Lizards and Snakes)

SUBORDER SAURIA (Lizards)

FAMILY PHRYNOSOMATIDAE

Western fence lizard	*Sceloporus occidentalis*

FAMILY SCINCIDAE (Skinks)

Skilton skink	*Eumeces skiltonianus skiltonianus*

FAMILY ANGUIDAE (Alligator Lizards and Relatives)

California alligator lizard	*Elgaria multicarinata*

SUBORDER SERPENTES (Snakes)

FAMILY COLUBRIDAE (Colubrids)

Sharp-tailed snake	*Contia tenuis*
Coachwhip	*Masticophis flagellum*
Alameda whipsnake	*Masticophis lateralis euryxanthus*
Gopher snake	*Pituophis catenifer*
Common kingsnake	*Lampropeltis getula*
*California kingsnake	*Lampropeltis californiae*

FAMILY NATRICIDAE (Live-bearing Snakes)

Western terrestrial garter snake	*Thamnophis elegans*
Diablo Range garter snake	*Thamnophis atratus zaxanthus*

FAMILY VIPERIDAE (Vipers)

Northern Pacific rattlesnake	*Crotalus oreganus oreganus*

CLASS AVES (Birds)

ORDER CICONIIFORMES (Herons, Storks, Ibises and Relatives)

FAMILY CATHARTIDAE (New World Vultures)

*Turkey vulture	*Cathartes aura*

ORDER ANSERIFORMES (Screamers, Ducks and Relatives)

FAMILY ANATIDAE (Swans, Geese and Ducks)

Mallard	*Anas platyrhynchos*
Canada Goose	*Branta canadensis*

ORDER FALCONIFORMES (Vultures, Hawks and Falcons)

FAMILY ACCIPITRIDAE (Hawks, Old World Vultures and Harriers)

White-tailed kite	*Elanus leucurus*
Northern harrier	*Circus cyaneus*
Sharp-shinned hawk	*Accipiter striatus*
Cooper's hawk	*Accipiter cooperii*
Red-shouldered hawk	*Buteo lineatus*
*Red-tailed hawk	*Buteo jamaicensis*
Golden eagle	*Aquila chrysaetos*

FAMILY FALCONIDAE (Caracaras and Falcons)

American kestrel	*Falco sparverius*
Merlin	*Falco columbarius*
Prairie falcon	*Falco mexicanus*

ORDER GALLIFORMES (Magapodes, Curassows, Pheasants and Relatives)

FAMILY PHASIANIDAE (Quails, Pheasants and Relatives)

*Wild turkey	*Meleagris gallopavo*
*Domestic chicken	*Gallus gallus*

FAMILY ODONTOPHORIDAE (New World Quail)

California quail	*Callipepla californica*

ORDER COLUMBIFORMES (Pigeons and Doves)

FAMILY COLUMBIDAE (Pigeons and Doves)

Rock dove	*Columba livia*
Mourning dove	*Zenaida macroura*

ORDER STRIGIFORMES (Owls)

FAMILY TYTONIDAE (Barn Owls)

Barn owl	*Tyto alba*

FAMILY STRIGIDAE (Typical Owls)

Western screech owl	*Otus kennicottii*
Great horned owl	*Bubo virginianus*

ORDER APODIFORMES (Swifts and Hummingbirds)

FAMILY TROCHILIDAE (Hummingbirds)

Anna's hummingbird	*Calypte anna*
Allen's hummingbird	*Selasphorus sasin*

ORDER PICIFORMES (Woodpeckers and Relatives)

FAMILY PICIDAE (Woodpeckers and Wrynecks)

Acorn woodpecker	*Melanerpes formicivorus*
Downy woodpecker	*Picoides pubescens*
*Northern flicker	*Colaptes auratus*
Nuttall's woodpecker	*Picoides nuttallii*

ORDER PASSERIFORMES (Perching Birds)

FAMILY TYRANNIDAE (Tyrant Flycatchers)

*Black phoebe	*Sayornis nigricans*
Say's phoebe	*Sayornis saya*
Ash-throated flycatcher	*Myiarchus cinerascens*
Pacific-slope flycatcher	*Empidonax difficilis*

FAMILY LANIIDAE (Shrikes)

Loggerhead shrike	*Lanius ludovicianus*

FAMILY VIREONIDAE (Typical Vireos)

Cassin's vireo	*Vireo cassinii*
Warbling vireo	*Vireo gilvus*
Hutton's vireo	*Vireo huttoni*

FAMILY CORVIDAE (Jays, Magpies and Crows)

*Steller's jay	Cyanocitta stelleri
Western scrub-jay	*Aphelocoma californica*
*American crow	*Corvus brachyrhynchos*

FAMILY ALAUDIDAE (Larks)

California horned lark	*Eremophila alpestris actia*

FAMILY HIRUNDINIDAE (Swallows)

Tree swallow	*Tachycineta bicolor*
Violet-green swallow	*Tachycineta thalassina*
*Cliff swallow	*Petrochelidon pyrrhonota*
*Barn swallow	*Hirundo rustica*

FAMILY PARIDAE (Titmice and Relatives)

*Oak titmouse	*Baeolophus inornatus*
*Chestnut-backed chickadee	*Poecile rufescens*

FAMILY AEGITHALIDAE (Bushtit)

*Bushtit	*Psaltriparus minimus*

FAMILY SITTIDAE (Nuthatches)

White-breasted nuthatch	*Sitta carolinensis*

FAMILY TROGLODYTIDAE (Wrens)

Bewick's wren	*Thryomanes bewickii*
House wren	*Troglodytes aedon*

Winter wren	*Troglodytes troglodytes*
FAMILY REGULIDAE (Kinglets)	
Ruby-crowned kinglet	*Regulus calendula*
FAMILY SYLVIIDAE (Old World Warblers and Gnatcatchers)	
Blue-gray gnatcatcher	*Polioptila caerulea*
FAMILY TURDIDAE (Thrushes)	
*Western bluebird	*Sialia mexicana*
Hermit thrush	*Catharus guttatus*
American robin	*Turdus migratorius*
FAMILY MIMIDAE (Mockingbirds and Thrashers)	
Northern mockingbird	*Mimus polyglottos*
FAMILY STURNIDAE (Starlings and Allies)	
European starling	*Sturnus vulgaris*
FAMILY PARULIDAE (Wood Warblers and Relatives)	
Yellow-rumped warbler	*Dendroica coronata*
Yellow warbler	*Dendroica petechia*
Orange-crowned warbler	*Oreothlypis celata*
FAMILY EMBERIZIDAE (Emberizines)	
*California towhee	*Pipilo crissalis*
Lark sparrow	*Chondestes grammacus*
Grasshopper sparrow	*Ammodramus savannarum*
Savannah sparrow	*Passerculus sandwichensis*
Song sparrow	*Melospiza melodia*
Fox sparrow	*Passerella iliaca*
White-throated sparrow	*Zonotrichia albicollis*
White-crowned sparrow	*Zonotrichia leucophrys*
Dark-eyed junco	*Junco hyemalis*
FAMILY CARDINALIDAE (Cardinals, Grosbeaks and Allies)	
Lazuli bunting	*Passerina amoena*
FAMILY ICTERIDAE (Blackbirds, Orioles and Allies)	
Red-winged blackbird	*Gelaius phoeniceus*
Western meadowlark	*Sturnella neglecta*
Brewer's blackbird	*Euphagus cyanocephalus*
Brown-headed cowbird	*Molothrus ater*
*Bullock's oriole	*Icterus bullockii*
FAMILY FRINGILLIDAE (Finches)	
Purple finch	*Carpodacus purpureus*
*House finch	*Carpodacus mexicanus*
Lesser goldfinch	*Carduelis psaltria*
*American goldfinch	*Carduelis tristis*

CLASS MAMMALIA (Mammals)

ORDER DIDELPHIMORPHIA (Marsupials)

FAMILY DIDELPHIDAE (Opossums)

Virginia opossum	*Didelphis virginiana*
ORDER CHIROPTERA (Bats)	
FAMILY VESPERTILIONIDAE (Evening Bats)	
Little brown myotis	*Myotis lucifugus*
Yuma myotis	*Myotis yumanensis*
California myotis	*Myotis californicus*
Western pipistrelle	*Pipistrellus hesperus*
Big brown bat	*Eptesicus fuscus*
Townsend's big-eared bat	*Corynorhinus townsendii*
Pallid bat	*Antrozous pallidus*
FAMILY MOLOSSIDAE (Free-tailed Bats)	
California mastiff bat	*Eumops perotis californicus*
Mexican free-tailed bat	*Tadarida brasiliensis*
ORDER LAGOMORPHA (Rabbits, Hares, and Pika)	
FAMILY LEPORIDAE (Rabbits and Hares)	
Brush rabbit	*Sylvilagus bachmani*
Black-tailed jackrabbit	*Lepus californicus*
ORDER RODENTIA (Rodents)	
FAMILY SCIURIDAE (Squirrels, Chipmunks and Marmots)	
California ground squirrel	*Spermophilus beecheyi*
Western gray squirrel	*Sciurus griseus*
Eastern fox squirrel	*Sciurus niger*
FAMILY GEOMYIDAE (Pocket Gophers)	
*Botta's pocket gopher	*Thomomys bottae*
FAMILY HETEROMYIDAE (Pocket Mice and Kangaroo Rats)	
California pocket mouse	*Chaetodipus californicus*
FAMILY MURIDAE (Mice, Rats and Voles)	
Deer mouse	*Peromyscus maniculatus*
Parasitic mouse	*Peromyscus californicus*
Western harvest mouse	*Reithrodontomys megalotis*
California meadow vole	*Microtus californicus*
ORDER CARNIVORA (Carnivores)	
FAMILY CANIDAE (Foxes, Wolves and Relatives)	
*Coyote	*Canis latrans*
Gray fox	*Urocyon cinereoargenteus*
*Domestic dog	*Canis familiaris*
FAMILY PROCYONIDAE (Raccoons and Relatives)	
Raccoon	*Procyon lotor*
FAMILY MEPHITIDAE (Skunks)	
Striped skunk	*Mephitis mephitis*
FAMILY FELIDAE (Cats)	
Feral cat	*Felis catus*
Cougar	*Puma concolor*

Bobcat *Lynx rufus*

ORDER ARTIODACTYLA (Even-toed Ungulates)

SUBFAMILY BOVINIDAE (Cattle)

*****Domestic cattle (*Bos taurus*)

FAMILY CERVIDAE (Deer, Elk and Relatives)

Black-tailed deer *Odocoileus hemionus columbianus*

APPENDIX C: LIFE HISTORY AND ECOLOGY OF SPECIAL STATUS SPECIES MERITING FURTHER DISCUSSION

California Red-Legged Frog (Rana draytonii). Federal Listing Status: Threatened; State Listing Status: Species of Special Concern.

The California red-legged frog is the largest native frog in California, with adults attaining a length of 3.4-5.4 inches (85-138 mm) snout-to-vent length (SVL) (Jennings and Hayes 1994). On the dorsal surface, the background color varies from brown to gray to reddish-brown, normally with some dark mottling peppered around spots with light-colored centers (Stebbins 1985). The distribution of reddish pigment is highly variable but is usually restricted to the groin and undersurfaces of the thighs, legs, and feet (Jennings and Hayes 1994). This red coloration is not diagnostic for species identification. Two distinctive, prominent folds of skin ("dorsolateral folds"), run in a complete line from the rear of the eyes to the groin. The groin has a distinctly mottled pattern of black on a light-colored background. Juvenile frogs range from 1.5-3.4 inches (40-84 mm) SVL and have the same coloration as adults except that the dorsolateral folds are normally yellow or orange colored (Stebbins 1985). This coloration is distinct even at a distance. Larval frogs range from 0.6-3.1 inches (14-80 mm).

Adult California red-legged frogs have been observed breeding from late November through early May after the onset of warm rains (Storer 1925, Jennings and Hayes 1994). Male frogs typically attract females by emitting low short calls in small mobile groups of 3-7 individuals (Jennings and Hayes 1994). Females move toward the calling groups and amplex a male. Following amplexus, the females move to chosen oviposition sites where they attach an egg mass of 2,000-6,000 moderate-sized (2.0-2.8 mm diameter) eggs to an emergent vegetation brace such as tule stalks, grasses, or willow roots located just below the water surface (Storer 1925, Livezey and Wright 1947). Once laid, the egg mass will swell with water for about 24 hours, finally reaching the size of a softball. Males usually remain at the breeding sites for several weeks after reproduction before moving to foraging habitats, while females immediately remove to foraging habitats.

California red-legged frog embryos hatch about 6-14 days following fertilization. The resulting larvae (8.8-10.3 mm) require 14-28 weeks to reach metamorphosis, which usually occurs between July and September, although there are scattered observations of overwintering larvae

in perennial ponds such as at the arboretum at Golden Gate Park in San Francisco (Jennings, pers. obs). Tadpoles generally metamorphose at 65-85 mm total length (Storer 1925) and the newly emerged juvenile frogs are generally 25-30 mm SVL. Larvae are thought to graze on algae, but they are rarely observed in the field because they spend most of their time concealed in submergent vegetation, algal mats, or detritus (Jennings and Hayes 1994). Post-metamorphic frogs grow rapidly feeding on a wide variety of invertebrates.

Males typically reach sexual maturity at 2 years and females at 3 years; however, frogs of both sexes may reach sexual maturity in a single year if resources are sufficient (Jennings, unpub. data). Conversely, frogs may take 3-4 years to reach maturity during extended periods of drought (Jennings and Hayes 1994). Based on limited field data, California red-legged frogs appear to live up to 10 years in the wild (Jennings, unpub. data). Adult frogs apparently eat a wide variety of animal prey including invertebrates, small fishes, frogs, and small mammals.

California red-legged frogs have been observed in a number of aquatic and terrestrial habitats throughout their historic range. Larvae, juveniles, and adult frogs have been collected from natural lagoons, dune ponds, pools in or next to streams, streams, marshlands, sag ponds, and springs, as well as human-created stock ponds, secondary and tertiary sewage treatment ponds, wells, canals, golf course ponds, irrigation ponds, sand, and gravel pits (containing water), and large reservoirs (Jennings 1988). The key to the presence of frogs in these habitats is the presence of perennial (or near perennial) water and the general lack of introduced aquatic predators such as largemouth bass (*Micropterus salmoides*), green sunfish (*Lepomis cyanellus*), and bluegill (*L. macrochirus*), crayfish (*Pacifastacus leniusculus* and *Procambarus clarkii*), and bullfrogs (*Rana catesbeiana*).

The habitats observed to contain the largest densities of red-legged frogs are associated with deep-water pools (27 inches [>0.7 meters] deep) with stands of overhanging willows (*Salix spp*.) and an intermixed fringe of cattails (*Typha spp*.), tule (*Scirpus spp*.), or sedges (*Carex sp*.) (Hayes and Jennings 1988). However, California red-legged frogs have also been observed to inhabit stock ponds, sewage treatment ponds, and artificial (e.g., concrete) pools completely devoid of vegetation (Storer 1925; Jennings, pers. comm.). Continued survival of frogs in all aquatic habitats seems to be based on the continued presence of ponds, springs, or pools that are

disjunct from perennial streams. Such habitats provide the continued basis for successful reproduction and recruitment year after year into nearby drainages that may lose frog populations due to stochastic events such as extreme flooding or droughts. Juvenile frogs are often observed sunning themselves during the day in the warm, surface-water layer associated with floating and submerged vegetation (Hayes and Tennant 1986). Adult frogs are largely nocturnal and are known to sit on stream banks or on the low-hanging limbs of willow trees over pools of water where they can detect small mammal prey (Hayes and Tennant 1986; Jennings and Hayes 1994). Adult red-legged frogs will move within the riparian zone from well-vegetated areas to pools of water to hydrate during periods of time when many of the streams are dry except for isolated pools (Rathbun et al. 1993). During wet periods (especially in the winter and early spring months), red-legged frogs can move long distances (e.g., 1 mile) between aquatic habitats, often over areas that are considered to be unsuitable for frogs (e.g., roads, open fields, croplands, etc.). Such activities can result in frogs ending up in isolated aquatic habitats well away from the nearest known frog populations.

Western Pond Turtle (*Actinemys marmorata*). Federal Listing Status: None; State Listing Status: Species of Special Concern.

The western pond turtle is the only native aquatic, freshwater turtle in California and normally associates with permanent or nearly permanent aquatic habitats, including streams, lakes, and ponds. Historically, this species occurred in Pacific Coast drainages from Washington to Mexico. This species occurs in aquatic habitats with 1) basking sites such as rocks and logs, 2) dense stands of submergent or emergent vegetation, 3) abundant aquatic invertebrate resources, 4) suitable nearby nesting sites, and 5) the lack of native and exotic predators (Bury 1972; Jennings and Hayes 1994; Bury and Holland, in press). This species can move along streams up to 3.1 miles (5 kilometers) in a short period of time, and they can tolerate at least 7 days without water (Jennings and Hayes 1994; Bury and Holland, in press).

Alameda Whipsnake (*Masticophis lateralis euryxanthus*). Federal Listing Status: Threatened; State Listing Status: Threatened.

The Alameda whipsnake is a slender, fast-moving, diurnal snake within the family Colubridae (Stebbins 1985). The Alameda whipsnake has a narrow neck, a broad head, and large eyes. The dorsal surface is sooty black with distinct bilateral yellow-orange stripes running down the sides.

The ventral surface coloration grades from orange-rufous at the anterior portion, to cream colored to pinkish at the posterior (and tail) end. Adults range in length from 91 to 122 cm (3 to 4 feet). The adult Alameda whipsnake lacks black spotting on the bottom surface of the head and neck. Juveniles may show very sparse or weak black spots.

The Alameda whipsnake occurs within the inner Coast Ranges in western and central Contra Costa and Alameda Counties (Swaim 1994). Originally contiguous, the range of this whipsnake is now fragmented by urban development into five regions where populations of the animal are known to still occur: (1) Sobrante Ridge, [Tilden/Wildcat Regional Parks area to the Briones Hills, in Contra Costa County (= Tilden-Briones population)]; (2) Oakland Hills, [Anthony Chabot area to Las Trampas Ridge, in Contra Costa County (= Oakland-Las Trampas population)]; (3) Hayward Hills, [Palomares area to Pleasanton Ridge, in Alameda County (= Hayward-Pleasanton Ridge population)]; (4) Mount Diablo vicinity and the Black Hills, in Contra Costa County (= Mount Diablo-Black Hills population); and (5) Wauhab Ridge, [Del Valle area to the Cedar Mountain Ridge in Alameda County (= Sunol-Cedar Mountain population)]. These populations all occur on privately held or public, (i.e., non-Federal) land.

Studies of the Alameda whipsnake indicate that within preferred habitats, the animals are most commonly found in association with rock outcrops, in particular talus pilings (Swaim 1994). Rock outcrops appear to be an important feature of the habitat as they provide refugia as well as hunting grounds for the whipsnake. Rocky outcroppings and talus pilings support lizard populations reported to be the most important prey item of whipsnakes. The preferred prey is the western fence lizard (Sceloporus occidentalis), (Stebbins 1985; Swaim 1994), although other less preferred prey items are also taken including skinks, frogs, snakes, and small birds (Stebbins 1985, Swaim 1994). Alameda whipsnakes have been found in association with a variety of shrub communities including coastal scrub, coastal sage scrub, diablan sage scrub, coyote bush scrub, and chaparral plant communities (Swaim 1994), but the snakes may also occur in adjacent grasslands and oak and oak/bay woodlands. Vegetation type may be less important to this whipsnake than the extent of the canopy cover, slope exposure, the availability of retreats, and/or prey species composition and abundance (Swaim 1994). Alameda whipsnakes demonstrate a preference for open canopy stands and habitats with woody debris and exposed

rock outcrops, and the animals tend to be found on southeast, south, and southwest facing slopes, although recent data indicates that whipsnakes do make use of north facing slopes in more open stands of scrub habitat (Swaim 1994). This extremely fast snake holds its head high off the ground to search out potential prey and is an active diurnal predator. Alameda whipsnakes can occupy home ranges varying in size from 1.9 - 8.7 ha (5.0 - 21.5 acres) (Swaim 1994).

Adult snakes appear to have a bimodal activity pattern with peaks during the spring mating season and a smaller peak during late summer and early fall. Although short aboveground movements do occur during the winter, Alameda whipsnakes generally retreat in November into a hibernaculum and emerge in March. Courtship and mating generally occur from late-March through mid-June. During this time, males move around throughout their home ranges, while females appear to remain at or near their hibernaculum, where mating occurs (Swaim 1994). Whipsnakes lay clutches of 6 to 11 eggs, from May through July (Stebbins 1985), and the young hatch and emerge in the late summer to early fall (Swaim 1994).

APPENDIX D: MINIMIZATION MEASURES FOR CALIFORNIA RED-LEGGED FROGS

The following measures will minimize direct and indirect impacts to California red-legged frogs.

1. Prior to the start of construction, a qualified biologist will train all project staff regarding habitat sensitivity, identification of special status species, and required practices. The training shall include the general measures that are being implemented to conserve these species as they relate to the project, the penalties for non-compliance, and the boundaries of the project area. A fact sheet or other supporting materials containing this information should be prepared and distributed. Upon completion of training, employees will sign a form stating that they attended the training and understand all the conservation and protection measures.
6. A qualified biologist will survey the project site prior to, and be present to monitor, construction activities during any initial ground disturbance or vegetation clearing or other periods during construction, as necessary. The biologist will capture and relocate any California red-legged frogs that are discovered during the surveys or construction monitoring. Any individuals that are captured should be held for the minimum amount of time necessary to release them to suitable habitat outside of the work area.
7. A qualified biologist will stake and flag exclusion zones around all known locations of CRLF breeding and upland refugia areas in the construction zone. These areas will be avoided during construction activities to the maximum extent practicable. All construction areas will be flagged, and all activity will be confined to these areas.
8. If a CRLF is encountered during construction work, activities will cease until the animal is removed and relocated by a qualified biologist.
9. Construction activities should be limited to the period from May 1 through October 31.
10. Permanent and temporary construction disturbances and other types of project-related disturbances to CRLF habitat shall be minimized to the maximum extent practicable and confined to the project site. To minimize temporary disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, designated cross-country routes, and other designated areas. These areas also should be included in preconstruction surveys and, to the maximum extent possible, should be established in locations disturbed

by previous activities to prevent further adverse effects. Sensitive habitat areas shall be delineated with high visibility flagging or fencing to prevent encroachment of construction personnel and equipment into any sensitive areas during project work activities. At no time shall equipment or personnel be allowed to adversely affect areas outside the project site without authorization from the Service.

11. Because dusk and dawn are often the times when CRLF are most actively foraging and dispersing, all construction activities should cease one half hour before sunset and should not begin prior to one half hour before sunrise.
12. No canine or feline pets or firearms (except for federal, state, or local law enforcement officers and security personnel) shall be permitted at the project site to avoid harassment, killing, or injuring of CRLF.
13. A representative shall be appointed by the applicant who will be the contact source for any employee or contractor who might inadvertently kill or injure a CRLF or who finds a dead, injured or entrapped individual. The representative shall be identified during the tailgate/training session. The representative's name and telephone number shall be provided to the Service prior to the initiation of ground disturbance activities.
14. Tightly woven fiber netting or similar material shall be used for erosion control or other purposes at the project site to ensure that CRLF do not get trapped.
15. A litter control program shall be instituted at the entire project site. All construction personnel should ensure that food scraps, paper wrappers, food containers, cans, bottles, and other trash from the project area are deposited in covered or closed trash containers. The trash containers should be removed from the project area at the end of each working day.

APPENDIX E: FOCAL SPECIES SCORING SHEETS FROM THE EAST ALAMEDA COUNTY CONSERVATION STRATEGY

Table E-3. Impact/Mitigation Scoring for Callippe silverspot butterfly in the EACCS study area. Impact/Conserve

Callippe silverspot butterfly	5	4	3	2	1	0	Score
Impact/ Mitigation occurs in:	CZ1/CZ8/CZ11/ CZ12/CZ14/CZ 15/CZ16	--	--	--	--	All others	5/5
Presence of host/nectar plants	On-site	Within 0.25-mile of site	>0.25-mile but <0.5-mile	--	--	> 0.5-mile	0/0
Land covers impacted/ mitigated	--	--	Grassland	Oak woodland	--	All others	3,2/3,2
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							11/11
Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-6. Habitat quality of the impact site and the mitigation site would be scored using this table.							

Notes: Species is presumed absent from both impact area and conservation lands, as surveys for host plant were negative.

Table E-5. Impact/Mitigation Scoring for California red-legged frog in the EACCS study area.

Impact/Conserve

California red-legged frog	5	4	3	2	1	0	Score
Closest suitable breeding habitat to site	On-site	< 1-mile	>1-mile but < 2-miles	--	--	Greater than 2-miles	4/4
Is there occupied habitat within 2-miles of site?	Yes	--	--	No	--	--	5/5
Aquatic land covers impacted/ mitigated	Wetland, Ponds, Stream/River	--	--	--	--	All others; none	5/5
Upland land covers impacted/ mitigated	Riparian, Grassland, Oak woodland, Rural residential	Chaparral/ Scrub	Conifer woodland	Cultivated ag, ruderal	--	All others; none	5,4/5,4
Elevation	Below 3,500 feet	--	--	--	--	Above 3,500 feet	5/5
Presence of ground squirrels or other burrowing mammals	On site	< 0.25-mile of site	> 0.25 but ≤ 0.5 miles	> 0. 5 but ≤ 1.0 miles	> 1.0 but ≤ 1.5 miles	> 1.5 miles	5/5
Presence of bullfrogs or non-native fish in aquatic resources on site	No	--	Low numbers and not all aquatic habitats are occupied	--	Yes, occurring in high numbers	--	5/5
Create a new barrier between breeding and upland habitat	Documented breeding location	--	Potential breeding location	--	--	No	0/0
Protect linkage between breeding and upland habitat	Documented breeding location	--	Potential breeding location	--	--	No	0/0
Inside East San Francisco Bay core recovery area	Yes					No	0/0
Inside designated Critical Habitat	Yes	--	--	--	--	No	5/5
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							44/44

Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-7. Habitat quality of the impact site and the mitigation site would be scored using this table.

Notes: The vast majority of Critical Habitat noted here is on proposed conservation land.

Table E-7. Impact/Mitigation Scoring for Alameda whipsnake in the EACCS study area.

Alameda whipsnake	5	4	3	2	1	0	Score
Inside Core Recovery Unit reported in draft Recovery Plan	Yes	--	--	--	--	No	0/0
Inside designated Critical Habitat	Yes	--	--	--	--	No	5/5
High quality shrub habitat (scrub/chaparral especially; on northeast, east, south east, south and southwest Aspects) within one mile of subject site	Yes	--	--	--	No	--	5/5
Land covers impacted/ mitigated	Chaparral/ Scrub	Grassland, Oak Woodland	Riparian	Conifer Woodland	--	All others	5,4,3/5,4,3
Presence of rock outcrops	On-site	≤ 0.5-mile	≥ 0.5 but < 1-mile	--	--	> 1 mile	4/5
Presence of important movement corridor reported in draft Recovery Plan	On-site	≤ 0.5-mile	≥ 0.5 but < 1-mile	--	--	> 1 mile	0/0
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							27/28
Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-9. Habitat quality of the impact site and the mitigation site would be scored using this table.							

Table E-8. Impact/Mitigation Scoring for golden eagle in the EACCS study area.

Golden eagle	5	4	3	2	1	0	Score
Presence of golden eagle nest within 1.0-mile of site	Yes	--	--	--	--	No	0/0
Land covers impacted/ Mitigated	Grassland, Oak woodland	Chaparral and scrub, ruderal	Cultivated ag	Rural residential, Conifer woodland	--	All others	5,4,2/5,4,2
Presence of ground squirrels	On site	Within 0.25-mile of site	> 0.25 but ≤ 1.0 mile	≥ 1 mile	--	--	5/5
Wind turbines within 0.5-mile of site	No	--	--	--	Yes	On-site	5/5
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							22/22
Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-10. Habitat quality of the impact site and the mitigation site would be scored using this table.							

Table E-9. Impact/Mitigation Scoring for burrowing owl in the EACCS study area.

Burrowing owl	5	4	3	2	1	0	Score
Nearest known burrowing owl nest location to the impact site (within last 3 years)	On-site	Within 0.5-mile of site	> 0.5 but < 2.0 miles	--	> 2.0but ≤ 7.5 miles	> 7.5 miles	0/0
Wind turbines within 0.5-mile of site	No	--	--	--	Yes	On-site	5/5
Land covers impacted/ mitigated	Grassland, ruderal	Cultivated ag	Oak woodland	Rural residential	--	All others	5,3,2/5,3,2
Presence of ground squirrels	On-site	Within 0.25-mile of site	> 0.25 but ≤ 1.0 mile	≥ 1 mile	--	--	5/5
Average height of grass on impacted area	Less than 8-inches	9-24 inches	--	25-36 inches	--	Greater than 36 inches	4/4
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							25/25
Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-10. Habitat quality of the impact site and the mitigation site would be scored using this table.							

Table E-11. Impact/Mitigation Scoring for San Joaquin kit fox and America badger in the EACCS study area.

San Joaquin kit fox/American badger	5	4	3	2	1	0	Score
Impact/ Mitigation occurs in:	CZ5CZ6/CZ7/ CZ9/CZ10	--	—CZ4 or CZ13	--	—CZ2, CZ3, CZ11, CZ12	--	-/-
Land covers impacted/ mitigated	Grassland, Rural residential	Chaparral/ Scrub	Oak woodland, Cultivated Ag	Seasonal wetlands, Orchard	, ruderal	All others	5,4,3,2,1/ 5,4,3,2,1
Average Slope	0-5%	> 5 but < 10%	≥ 10 but < 25%	≥25%	--	All others	
Presence of ground squirrels	On site	Within 0.25-mile of site	Within 0.5-mile of site	--	--	Further away	5/5
Linkages and movement	Creation or removal of potential linkage across barrier (e.g. culvert under freeway)	Land adjacent to potential linkage on both sides of barrier (e.g., culvert under freeway)	Land adjacent to potential linkage on one side of barrier (e.g., culvert under freeway)	Land not adjacent to key linkage for species.	--	--	2/2
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							
Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-11. Habitat quality of the impact site and the mitigation site would be scored using this table.							

Notes: This table is for badgers only, as San Joaquin kit foxes are not expected to be on the project site.

Table E-15. Impact/Mitigation Scoring for Congdon's tarplant in the EACCS study area.

Congdon's tarplant	5	4	3	2	1	0	Score
Conservation Zones	Inside CZ2/ CZ3/CZ4/CZ5 /CZ6/CZ7	--	--	--	--	Other CZ	0/0
Elevation	Below 800 feet	--	--	--		Above 800 feet	5/5
Land covers impacted/ mitigated	native grassland,	Annual grassland,	--	Rural residential, Ruderal	--	All others	4,2/4,2
Soils present in impact area	Clay, Clay-loam, silty clay loam	--	Alkali or Saline soils	--	--	others	5,3/5,3
Within EBCNPS Priority Plant Protection Area	Yes	--	No	--	--	--	3/3
On parcels with an approved management plan for this species.	Yes	--	--	--	No	--	1/1
Total Score							23/23
Note: The ratio of mitigation to impact depends on the location of the mitigation. The acres of mitigation for a given project would be determined using the ratios shown in Table 3-12. Habitat quality of the impact site and the mitigation site would be scored using this table.							

Notes: Congdon's tarplant occurs both onsite and on conservation lands.

APPENDIX F: 2017 U.S. ARMY CORP OF ENGINEERS JURISDICTIONAL DETERMINATION

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET, 16TH FLOOR
SAN FRANCISCO, CALIFORNIA 94103-1398

SEP 25 2017

Regulatory Division

Subject: File Number 2015-00381S

Mr. Jeff Schroeder
Ponderosa Homes II, Inc.
6130 Stoneridge Mall Road, Suite 185
Pleasanton, CA 94588

Dear Mr. Schroeder:

This correspondence is in response to your submittal of October 9, 2015, requesting an approved jurisdictional determination of the extent of waters of the United States occurring on a 122.75-acre property in the City of Pleasanton, Alameda County, California.

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended (33 U.S.C. § 1344 *et seq.*). Waters of the United States generally include the territorial seas; all traditional navigable waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide; wetlands adjacent to traditional navigable waters; non-navigable tributaries of traditional navigable waters that are relatively permanent, where the tributaries typically flow year-round or have continuous flow at least seasonally; and wetlands directly abutting such tributaries. Where a case-specific analysis determines the existence of a "significant nexus" effect with a traditional navigable water, waters of the United States may also include non-navigable tributaries that are not relatively permanent; wetlands adjacent to non-navigable tributaries that are not relatively permanent; wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary; and certain ephemeral streams in the arid West.

The enclosed delineation map, entitled "Extent of U.S. Army Corps of Engineers' Jurisdiction Pursuant to Section 404 Clean Water Act, Lester-Shriner Property, City of Pleasanton, Alameda County, California," in one sheet date certified September 25, 2017, accurately depicts the extent and location of wetlands within the boundary area of the site that are **not** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. These particular water bodies are considered to be isolated with no apparent connection to interstate or foreign commerce. This approved jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of June 14, 2016, a review of available digital photographic imagery, and a review of other data included in

your submittal. This approved jurisdictional determination will expire in five years from the date of this letter, unless new information or a change in field conditions warrants a revision to the delineation map prior to the expiration date. The basis for this approved jurisdictional determination is explained in the enclosed *Approved Jurisdictional Determination Form.*

This approved jurisdictional determination is presumed to be consistent with the U.S. Supreme Court decision of January 9, 2001, concerning the *Solid Waste Agency of Northern Cook County v. United States Corps of Engineers*, 531 U.S. 159 (2001) ("SWANCC"). In the SWANCC decision, the Court invalidated, at least, portions of the Migratory Bird Rule as a sole nexus to the Commerce Clause, and ruled that the U.S. Army Corps of Engineers had exceeded its statutory authority in exerting jurisdiction over non-navigable isolated, intrastate waters that did not provide some other interstate or foreign commerce use (33 C.F.R § 328.(a)(3)).

This approved jurisdictional determination is also presumed to be consistent with the U.S. Supreme Court decision of June 19, 2006, concerning *Rapanos v. United States*, 126 S. Ct. 2208 (2006) ("Rapanos"). In the Rapanos decision, the Court determined, in part, that jurisdiction may not be asserted over certain categories of waters that lack a "significant nexus" effect with a traditional navigable waters. Those categories of waters requiring a significant nexus effect determination include: Non-navigable tributaries that are not relatively permanent (do not typically flow year-round or have continuous flow at least seasonally); wetlands adjacent to non-navigable tributaries that are not relatively permanent; and wetlands adjacent to but not directly abutting a relatively permanent non-navigable tributary.

Waters of the United States do not generally include non-tidal drainage and irrigation ditches excavated on dry land; artificially irrigated areas which would revert to upland, if the irrigation ceased; artificial lakes or ponds created by excavating and/or diking dry land to collect and retain water, and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing; artificial reflecting or swimming pools, or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons; or water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of a waters of the United States (51 Fed. Reg. 41,217; Nov. 13, 1986). Based on a case-by-case analysis, the U.S. Army Corps of Engineers may elect to not exert jurisdiction over these categories of water bodies.

The current absence of jurisdictional wetlands within the boundary area of the site does not obviate any requirement to obtain other Federal, State, or local approvals necessitated by law for such non-jurisdictional waters. Any impacts to federally-listed threatened or endangered species and/or designated critical habitat may be subject to regulation by the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service under Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 *et seq.*). If "waters of the state" are

potentially present, the site may be subject to regulation by the California Regional Water Quality Control Board, San Francisco Bay Region, under the Porter-Cologne Water Quality Control Act, as amended (California Water Code § 1300 *et seq.*). You are, therefore, urged to contact these agencies directly to determine the need for other authorizations or permits.

You are advised that the approved jurisdictional determination may be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. Part 331 (65 Fed. Reg. 16,486; Mar. 28, 2000), and outlined in the enclosed flowchart and *Notification of Administrative Appeal Options, Process, and Request for Appeal* (NAO-RFA) Form. If you do not intend to accept the approved jurisdictional determination, you may elect to provide new information to this office for reconsideration of this decision. If you do not provide new information to this office, you may elect to submit a completed NAO-RFA Form to the Division Engineer to initiate the appeal process; the completed NAO-RFA Form must be submitted directly to the Appeal Review Officer at the address specified on the NAO-RFA Form. You will relinquish all rights to a review or an appeal, unless this office or the Division Engineer receives new information or a completed NAO-RFA Form within 60 days of the date on the NAO-RFA Form. If you intend to accept the approved jurisdictional determination, you do not need to take any further action associated with the Administrative Appeal Process.

You may refer any questions on this matter to Janelle Leeson of my Regulatory staff by telephone at (415) 503-6773 or by e-mail at Janelle.D.Leeson@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner, while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: http://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Rick M. Bottoms, Ph.D.
Chief, Regulatory Division

Enclosures

Copy Furnished (w/ encls):

✓Live Oak Associates, San Jose, CA (Attn.: Ms. Pamela Peterson)

Copy Furnished (w/ encl 1 only):

CA RWQCB, Oakland, CA

Copy Furnished (w/o encls):

U.S. EPA San Francisco, CA; Attn: Jennifer Siu
CA SWRCB, Sacramento, CA

LEGEND

Non-jurisdictional Areas (meeting the technical criteria for wetlands)

- Isolated Wetland Swales 6/28/2016 (18,987 SF / 0.44 Ac. 547 LF)

Jurisdictional waters (not meeting the technical criteria for wetlands)

- Intermittent tributary (63,117 SF / 1.44 Ac. 6,098 LF)
- Ephemeral tributary (94 SF 39 LF)

Other Features

- Project Boundary (Approx. 124 Ac.)
- SP1 - Sample Points
- Culvert

U.S. Army Corps of Engineers
San Francisco District
Regulatory Division

Extent of U.S. Army Corps of Engineers Jurisdiction
Pursuant to Section 404 Clean Water Act

Lester-Shriner Property
City of Pleasanton, Alameda County, California

Study Area Boundary
Non-Jurisdictional Wetland
Water of the U.S.

File ID: 2015-003815 Date: September 25, 2017 Sheet 1 of 1

IWS 1
Isolated Wetland Swale
13,188 SF, 328 LF

Drainage Enters property

SP A
SP D
SP E
SP B
SP4
SP5
SP1
SP2
SP H
SP G
SP C
SP F

Dublin Canyon Rd

IWS 3
Isolated Wetland Swale
4,873 SF, 165 LF

IWS 2
Isolated Wetland Swale
926 SF, 54 LF

592,786 E
4,172,460 N

Culvert
Culvert
SP3
Culvert
Culvert

Intermittent Tributary (IT-2)
11,573 SF, 0.26 Ac.
1,798 LF

Intermittent Tributary (IT-1)
Devaney Creek
51,543 SF, 1.18 Ac.
4,300 LF

591,663 E
4,171,848 N

Ephemeral Tributary (ET-1)
94 SF, 39 LF

1,000' 0 1,000 feet
Approximate Scale
1' = 300'

Source:
Topographic Base courtesy of Ruggeri-Jensen-Azar Engineers
Universal Transverse Mercator Coordinate System Zone 10, NAD83 / NAVD 1988

Live Oak Associates, Inc.

Lester Property
Potential Waters of the U.S.

Date	Project #	Figure #
7/01/2016	1851-02	5

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): September 25, 2017

B. DISTRICT OFFICE: San Francisco District **FILE NUMBER:** 2015-00381S
File Name: Lester-Shriner Property
Waterbody Name: Davaney Creek and other unnnamed waters

C. PROJECT LOCATION AND BACKGROUND INFORMATION:
State: California County/parish/borough: Alameda Co. City: Pleasanton
Center coordinates of site: (lat/long (in degree decimal format): Lat: 37.69265 N Long: -121.95507 W
Pick List (lat/long (in degree decimal format): Lat: Pick Long: Pick
Pick List (lat/long (in degree decimal format): Lat: Pick Long: Pick
Universal Transverse Mercator:
Name of nearest waterbody: San Francisco Bay
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: San Francisco Bay
Name of watershed or Hydrologic Unit Code (HUC):

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:
☒ Field Determination. Date(s): June 14, 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*].

☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. ***Explain:***

B. CWA SECTION 404 DETERMINATION OF JURISDICTION

There are "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. Waters of the U.S:

a. Indicate presence of waters of U.S. in review area (check all that apply): [1]

☐ TNWs, including territorial seas
☐ Wetlands adjacent to TNWs
☒ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
☒ Non-RPWs that flow directly or indirectly into TNWs
☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
☐ Impoundments of jurisdictional waters
☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area
Non-wetland waters: 6137 linear feet: width (ft) and/or acres. (other comments:)
Wetlands: acres. (other comments:)

c. Limits (boundaries) of jurisdiction based on: Established by OHWM
Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):[3]

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. ***Explain:*** Three wetlands have been identified within the project area. All wetlands are considered to be isolated with no apparent connection to interstate or foreign commerce or other significant nexus.

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[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW:
   Summarize rationale supporting determination that waterbody is a TNW:
2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

(i) General Area Conditions:

Watershed size: Pick List
Drainage area: Pick List
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:

a. Relationship with TNW:

☐ Tributary flows directly into TNW
☐ Tributary flows through Pick List tributaries before entering TNW

Project waters are Pick List river miles from TNW.
Project waters are Pick List river miles from RPW.
Project waters are Pick List aerial (straight) miles from TWN.
Project waters are Pick List aerial (straight) miles from RPW.
Project waters cross or serve as a state boundary. ***Explain:***

Identify flow route to TNW[5]:
Tributary stream order, if known:

b. General Tributary Characteristics (check all that apply):

Tributary is:

☐ Natural: (comment if needed)
☐ Artificial (man-made): ***Explain:***

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

☐ Manipulated (man-altered): ***Explain:***

Tributary properties with respect to top of bank (*estimate*):

Average width: feet (measured from top of bank to top of bank)
Average depth: feet. (measured from OHWM to top of bank)
Average side slopes: Pick List

Primary tributary substrate composition (*check all that apply*):

☐ Silt:
☐ Sand:
☐ Clay:
☐ Cobbles:
☐ Gravel:
☐ Muck:
☐ Bedrock:
☐ Concrete:
☐ Vegetation (Type / % cover):
☐ Other (Explain):

Tributary condition/stability [e.g., highly eroding, sloughing banks]. ***Explain***: .

Presence of run/riffle/pool complexes. ***Explain***: .

Tributary geometry: Pick List.

Tributary gradient (approximate average slope): %

c. **FLOW INFORMATION**

Tributary provides for: Pick List
Estimate average number of flow events in review area/year: Pick List
Describe flow regime: .
Other information on duration and volume: .
Surface flow is: Pick List. Characteristics: .
Subsurface flow: Pick List. ***Explain findings***: .
☐ Dye (or other) test performed:. .

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ destruction of terrestrial vegetation
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ multiple observed or predicted flow events
☐ water staining
☐ abrupt change in plant community. ***Explain***:
☐ other (list):
☐ the presence of litter and debris
☐ shelving
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ sediment deposition

☐ Discontinuous OHWM.[7] ***Explain***:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (***check all that apply***):
☐ High Tide Line indicated by: **OR** ☐ Mean High Water Mark indicated by:

☐ oil or scum line along shore objects
☐ fine shell or debris deposits (foreshore)
☐ physical markings/characteristics
☐ tidal gauges
☐ other (***list***):
☐ survey to available datum
☐ physical markings
☐ vegetation lines/changes in vegetation types

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: .

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (*check all that apply*):

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
  - ☐ Federally Listed species. ***Explain findings***:
  - ☐ Fish/spawn areas. ***Explain findings***:
  - ☐ Other environmentally-sensitive species. ***Explain findings***:
  - ☐ Aquatic/wildlife diversity. ***Explain findings***:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties

Wetland size: acres

Wetland type. ***Explain***:

Wetland quality. ***Explain***:

Project wetlands cross or serve as state boundaries. ***Explain***:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List ***Explain findings***:

- ☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. ***Explain***:
  - ☐ Ecological connection. ***Explain***:
  - ☐ Separated by berm / barrier. ***Explain***:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are: Pick List aerial (straight) miles from TNW.

Flow is from: Pick List

Estimate approximate location of wetland as within the: Pick List floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). ***Explain***:

Identify specific pollutants, if known: ***Explain***:

(iii) Biological Characteristics. Wetland supports (*check all that apply*):

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. ***Explain***:
- ☐ Habitat for:
  - ☐ Federally Listed species. ***Explain findings***:
  - ☐ Fish/spawn areas. ***Explain findings***:
  - ☐ Other environmentally-sensitive species. ***Explain findings***:
  - ☐ Aquatic/wildlife diversity. ***Explain findings***:

3. Characteristics of all wetlands adjacent to the tributary (if any)

(i) All wetland(s) being considered in the cumulative analysis: Pick List

(ii) Approximately ( ) acres in total are being considered in the cumulative analysis.

(iii) For each wetland associated with the reach or waterbody being analyzed in this form, specify the following:

Number/Name[8]	Directly abuts (Yes/No)	Size
	Pick	acres
	Pick	acres
	Pick	acres
	Pick	acres
	Pick	acres
	Pick	acres

Number/Name	Directly abuts (Yes/No)	Size
	Pick	acres
	Pick	acres
	Pick	acres
	Pick	acres
	Pick	acres
	Pick	acres

(iv) Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** ***Explain*** findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D

   One non-RWP is present on site. This feature is hydrologically connected to the onsite Devaney Creek, a RPW USGS blue line stream that is hydrologically connected to a traditional navigable water, the SF Bay, as it flows into Dublin Creek, whch drains into San Francisco Bay via South San Ramon Creek and Alameda Creek

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** ***Explain*** findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

[8] In the Number/Name column, add the number and/or name that you have given the wetland being referred to in the table. Example, you are referring to a wetland on your wetland delineation map number 6, that you call wetland No.3 on a reach you refer to as Putah Creek. For this wetland you would add to the table in the Number/Name column, something like the following: (No. 3, Putah Ck., Map # 6).

3 **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** ***Explain*** findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

☐ **1. TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), and/or acres.
- ☐ Wetlands adjacent to TNWs: acres.

☒ **2. RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
- ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Water was observed flowing in both onsite RPWs during surveys in April and May 2014 and during the June 2016 site visit. Both have a defined bed and bank, are represented as USGS blue line streams, and are hydrologically connected to a traditional navigable water, the SF Bay, as they flow into Dublin Creek, whch drains into San Francisco Bay via South San Ramon Creek and Alameda Creek.

  Provide estimates for jurisdictional waters in the review area (***check all that apply***)

  - ☒ Tributary waters: 6098 linear feet width (ft).
  - ☐ Other non-wetland waters: acres.

    Identify type(s) of waters: .

☒ **3. Non-RPWs[9] that flow directly or indirectly into TNWs.**

- ☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

  Provide estimates for jurisdictional waters within the review area (***check all that apply***):

  - ☒ Tributary waters: 94 linear feet width (ft).
  - ☐ Other non-wetland waters: acres.

    Identify type(s) of waters: .

☐ **4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
  - ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in **Section III.D.2**, above. Provide rationale indicating that wetland is directly abutting an RPW: .
  - ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in **Section III.B** and rationale in **Section III.D.2**, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

☐ **5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at **Section III.C**.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

☐ **6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

[9]See Footnote # 3.

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at **Section III.C**.

Provide estimates for jurisdictional wetlands in the review area: acres.

☐ **7. Impoundments of jurisdictional waters.[10]**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (*CHECK ALL THAT APPLY*):[11]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (***check all that apply***)

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. ***Explain***: All wetlands are considered to be isolated with no apparent connection to interstate or foreign commerce or other significant nexus.

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (***check all that apply***):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

☐

[10] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[11] **Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.***

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: revised map received July 14, 2016.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☒ Office does not concur with data sheets/delineation report. Revised map received on July 14, 2016 with correct features
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters' study: .
- ☐ U.S. Geological Survey Hydrologic Atlas: .
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: .
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .
- ☐ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): .
  - ☒ Other (Name & Date): site photos of June 14, 2016.
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify): site visit of June 14, 2016.
- ☐

B. ADDITIONAL COMMENTS TO SUPPORT JD:

☐

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Mr. Jeff Schroeder	File No. 2015-00381S	Date: 25 Sept 2017
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
✓	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT ENGINEER for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this Notice and return the Notice to the DISTRICT ENGINEER. Your objections must be received by the DISTRICT ENGINEER within 60 days of the date of this Notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your NOTICE, the DISTRICT ENGINEER will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the DISTRICT ENGINEER will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the DISTRICT ENGINEER for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this NOTICE and sending the NOTICE to the DIVISION ENGINEER. This Notice must be received by the DIVISION ENGINEER within 60 days of the date of this Notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this Notice sending the Notice to the DIVISION ENGINEER. This Notice must be received by the DVISION ENGINEER within 60 days of the date of this Notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this Notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this Notice and sending the Notice to the DIVISION ENGINEER. This Notice must be received by the DIVISION ENGINEER within 60 days of the date of this Notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Katerina Galacatos, Chief, South Branch, Regulatory Division U.S. Army Corps of Engineers, San Francisco District 1455 Market Street, 16th Floor, Attn: CESPN-R-S San Francisco, CA 94103-1398 Tel. (415) 503-6778 FAX (415) 503-6690	If you only have questions regarding the appeal process you may also contact: Thomas J. Cavanaugh, Appeal Review Officer U.S. Army Corps of Engineers, South Pacific Division 1455 Market Street, 20th Floor, Attn: CESPD-PDS-O San Francisco, CA 94103-1399 Tel. (415) 503-6574 FAX (415) 503-6646

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

_____ Signature of appellant or agent.	Date:	Telephone number:

LEGEND

Potential Waters of the U.S.

- Seasonal Wetland Swales (23,669 SF / 0.54 AC, 662 LF)
- Tributary (63,116 SF / 1.44 AC, 6,098 LF)
- Tributary (1,437 SF / 0.03 AC, 879 LF)
- Seasonal Wetland Gully (82 SF / 0.001 AC, 71 LF)
- Roadside Ditch (2,660 SF / 0.0 AC, 39 LF)

Other Features

- Project Boundary (Approx. 124 Ac.)
- SP1 - Sample Points
- Culvert

U.S. Army Corps of Engineers
San Francisco District
Regulatory Division

Preliminary Jurisdictional Determination, Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

Lester Ranch, Shriner Property
Pleasanton, Alameda County, California

(Latitude 37.69265°, Longitude -121.95507° centroid)

Waters accurate as shown in map legend.

Waters identified within the study area may be Jurisdictional pursuant to Section 404 of the Clean Water Act of 1972

File ID. **SPN-2015-00381** Date: **August 15, 2024** 1 Sheet

SWS 1
Seasonal Wetland Swale
13,188 SF, 328 LF

Roadside Ditch (RD-1)
2,660 SF, 266 LF

Canyon Crk Cir

(SWS-4)
Seasonal Wetland Swale
4,682 SF, 115 LF

Culvert

Culvert

Drainage Enters Property

SP6

SP5

SP4

(SWG-1)
Seasonal Wetland Gully
82 SF, 71 LF

Dublin Canyon Rd

SWS 3
Seasonal Wetland Swale
4,873 SF, 165 LF

SWS 2
Seasonal Wetland Swale
926 SF, 54 LF

592,786 E
4,172,460 N

Culvert

Culvert

(ET-2) UnnamedTributary
1,006 SF, 0.02 Ac., 503 LF

SP3

SP1

(IT-2) Unnamed Tributary
11,573 SF, 0.26 Ac. 1,798 LF

(ET-3) Unnamed Tributary
337 SF, 0.01 Ac., 337 LF

SP2

(IT-1) Tributary - Devaney Creek
51,543 SF, 1.18 Ac. 4,300 LF

Culvert

Culvert

591,663 E
4,171,848 N

ET-1 Tributary - Hedd Creek
94 SF, 39 LF

1,000' 0 1,000 feet

Approximate Scale
1' = 300'

Source:
Topographic Base courtesy of Ruggeri-Jensen-Azar Engineers
Universal Transverse Mercator Coordinate System Zone 10, NAD83 / NAVD 1988

LIVE OAK ASSOCIATES, INC.

Lester / Hidden Canyon Ranch
Potential Waters of the U.S.

Date	Project #	Figure #
6/05/2023	**1851-02**	**4**

Ponderosa Homes

Tree Report
Hidden Canyon

Prepared for:
Ponderosa Homes Inc.
5020 Franklin Drive, #200
Pleasanton CA 94588

Prepared by:
HortScience | Bartlett Consulting
325 Ray Street
Pleasanton, CA 94566

August 6, 2019
Updated December 7, 2020

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

Tree Report

Hidden Canyon
Pleasanton CA

Table of Contents

List of Tables

Attachments

Tree Report
Hidden Canyon
Pleasanton CA

Introduction and Overview
Ponderosa Homes is planning to develop the Hidden Canyon project (the Lester and Shriner properties) located in Pleasanton CA. Most of the project site is undeveloped although two residences and associated out-buildings are present. In August 2019, HortScience | Bartlett Consulting, divisions of the F.A. Bartlett Tree Expert Co., prepared a **Tree Report** for the site. During revision of improvement plans for Dublin Canyon Road, the need for additional tree assessment revealed. Ponderosa Homes requested that HBc update the Tree Report. This report provides the following information:

1. A survey of trees currently growing on the site.
2. An assessment of the impacts of constructing the proposed project on the trees based on the proposed tentative map and site plan, and plan for Dublin Canyon Road improvements prepared by RJA (project engineers) dated November 9, 2020.
3. Recommendations for action.
4. Estimate of tree value.
5. Guidelines for tree preservation during the design, construction and maintenance phases of development.

Assessment Methods
Trees #1 – 171 were assessed in December 2014. Trees #172 – 208 were added in November 2020. The scope encompassed all trees over 6" in diameter located within the proposed limits of grading. The assessment procedure consisted of the following steps:

1. Identify the tree as to species.

2. Attach a numerically coded metal tag to the trunk of each tree. Tree tag numbers were not continuous.

3. Record the tree's location on a map.

4. Measure the trunk diameter at a point 54" above grade.

5. Evaluate the health and structural condition using a scale of 0 – 5 where 0 = dead, 1 = poor and 5 = excellent condition.

5. Comment on presence of defects in structure, insects or diseases and other aspects of development.

6. Assess the tree's suitability for preservation as low, moderate or high.

Access to some trees was limited by several factors including steep slopes and/or extensive vine and shrub growth. Trees that could not be accessed were given a tree number but no tag was attached to the trunk. Where vines prevented visual inspection of the lower trunk and base, it is noted in the ***Tree Assessment Form***.

Results for individual trees are located in the ***Tree Assessment Form*** (see **Attachments**). Tree locations are noted by tree tag number in the ***Tree Assessment Plan***.

Description of Trees

Two hundred and eight (208) trees were evaluated, representing 23 species (Table 1). Trees fell into one of two general categories:

1. **Oak woodland**. Most trees were associated with the existing oak woodland. Species encountered included coast live oak, Calif. bay, bigleaf maple, valley oak and elderberry. Trees were found as individuals, in small groups and as the edge of more extensive woodland. Also present was tree of heaven, a non-native, invasive species.

2. **Ornamental**. The residences were located near Dublin Canyon Blvd. Trees in this area were a mix of common ornamental species (e.g. silk tree) and fruit trees (apple, apricot, fig).

Table 1. Tree condition & frequency of occurrence. Hidden Canyon. Pleasanton CA.

Common name	Scientific name	Condition				No. of Trees	
		Poor '(1,2)	Fair '(3)	Good '(4)	Excel-lent (5)	Heritage	Total
Bigleaf maple	*Acer macrophyllum*	2	5	3	1	10	11
Calif. buckeye	*Aesculus californica*	--	2	--	--	1	2
Tree of heaven	*Ailanthus altissima*	6	6	2	--	2	14
Silk tree	*Albizzia julibrissin*	--	--	1	--	--	1
Calif. incense cedar	*Calocedrus decurrens*	--	1	--	1	1	2
Loquat	*Eriobotrya japonica*	--	--	1	--	--	1
Blue gum	*Eucalyptus globulus*	1	1	1	--	3	3
Euonymus	*Euonymus kiautschovicus*	--	--	1	--	--	1
Fig	*Ficus carica*	--	1	--	--	1	1
Monterey cypress	*Hesperocyparis macrocarpa*	--	1	--	--	--	1
Calif. black walnut	*Juglans hindsii*	2	2	3	--	3	7
English walnut	*Juglans regia*	--	1	--	--	--	1
Apple	*Malus domestica*	1	1	1	--	2	3
Monterey pine	*Pinus radiata*	--	1	--	--	--	1
Scots pine	*Pinus sylvestris*	--	1	--	--	--	1
Apricot	*Prunus armeniaca*	--	--	1	--	--	1
Coast live oak	*Quercus agrifolia*	10	34	39	8	42	91
Valley oak	*Quercus lobata*	--	1	2	1	3	4
Black locust	*Robinia pseudoacacia*	--	--	1	--	1	1
Willow	*Salix* sp.	1	--	--	--	1	1
Elderberry	*Sambucus caerula*	--	2	3	--	1	5
Calif. bay	*Umbellularia californica*	15	30	8	1	23	54
Mexican fan palm	*Washingtonia robusta*	--	1	--	--	1	1
Grand Total		**38**	**91**	**67**	**12**	**95**	**208**

Coast live oak was the most frequently occurring species with 91 trees. Coast live oak was the dominant tree in the site's native woodlands (Photo 1). Trees ranged in development from young to mature. Approximately 33% of coast live oaks had 2 or more trunks that arose low on the trunk. Trunk diameters ranged from 6" to 33". The largest oaks were #3 and 42 with diameters of 33". Tree #141 had trunks of 29" and 27".

Photo 1. Looking SW. at mature coast live oak #3.

Condition of coast live oaks varied widely. Twenty-two (22) trees were in poor condition, found almost exclusively along Dublin Canyon Road near Canyon Meadows Drive. Trees in this location were below energized power lines and had been topped to provide clearance. Thirty-nine (39) trees were in fair condition while another 39 were good. Eight (8) coast live oaks (#3, 15, 33, 34, 46, 64, 110, 135) were in excellent condition. The factor most associated with varying condition was overall form and structure, often associated with crowding. Of the trees in excellent condition #3 was 33" and mature in development while the others were semi-mature in development.

Fifty-four (54) Calif. bays were also present, associated with oak woodland. Bays were concentrated in the area south of the residences and along Dublin Canyon Road. Trunk diameter ranged from 6" to 65". Bay #107 was 65" and in poor condition while #171 had trunks of 38", 24", 22", 19", and 15" and was in fair condition. Most bays had more than one trunk originating near the ground, often due to sprouting from a removed or failed tree. Condition of bays varied from poor (15 trees) to fair (30 trees) to good (#16, 35, 41, 105, 113, 137, 162, 195). Bay #126 was 7" in diameter and in excellent condition. Factors affecting condition of Calif. bays included presence of overhead power lines, poor form and structure and the presence of decay (on mature trees).

Photo 2. Calif. bay #107 was 65" in diameter but in poor condition.

Fourteen (14) tree of heaven were present, concentrated near the proposed East Bay Regional Park District parking area. Trees were generally mature in development with trunk diameters that ranged from 7" to 24" (tree #158). Tree condition ranged from poor (6 trees) to fair (6) to good (#157, 163).

Eleven (11) bigleaf maple were present, all along the edge of a coast live oak woodland. Trunk diameters ranged from 10" to 38". Bigleaf maples #86 and 176 were in poor condition. Trees #133, 136, 164, 167 were in fair condition while #29, 166, and 168 were in good condition. Maple #114 was 36" in diameter and in good condition. Most trees were mature in development.

Seven (7) Calif. black walnuts ranged in diameter from 6" to 32". Several walnuts were located at the driveway to the Jehovah's Witness property. The largest walnut (#11) was 32" and in good condition. Walnuts #59 and 61 were in poor condition while #58 and 60 were fair. Walnuts #11, 13 and 24 were in good condition.

None of the remaining species were represented by more than ten trees. Included in this group were:

- 5 elderberries were large multi-stem shrubs. Trees #82 and 83 were in fair condition while #47, 49 and 81 were good. The largest stem was 13".
- 4 valley oaks included #53 and 54, large mature specimen trees. Both were in good condition. Tree #18 was 23" and in fair condition, located under power lines on Dublin Canyon Road. Valley oak #108 was 11" and in excellent condition.
- Apples #70, 75, 84 were fruit-producing trees in the residential areas. All were mature in development.
- Blue gums #39, 40 and 56 were large mature trees on the Jehovah's Witness property. Trees #39 and 40 were next to another in the SW. corner of the property. Tree #39 was in poor condition and #40 was fair. Blue gum #56 was a 56" in diameter and in good condition.
- Calif. buckeye #197 and 203 were located on a steep slope along Dublin Canyon Road. Both were mature trees in fair condition.
- Calif. incense cedars # 74 and 85 were located on residential properties. Cedar #74 was located at the foundation of one of the homes, 33" in diameter and in fair condition. Tree #85 was semi-mature in development, 14" and in excellent condition.
- Apricot #73 was in good condition and mature in development.
- English walnut #77 was mature in development with 3 scaffold limbs and in fair condition.
- Euonymus #71 was a multi-stemmed, free-standing vine in good condition.
- Fig #78 was a multi-stemmed tree in fair condition.
- Mexican fan palm #55 was in fair condition with 50' brown trunk and a small canopy of foliage.
- Monterey cypress #80 was 9" in diameter, in fair condition and a large shrub in form.

- Monterey pine #72 was 15" in diameter and in fair condition.
- Scots pine #79 was 11" in diameter and in fair condition.
- Silk tree #69 was 16" in diameter and in good condition.
- Willow #65 had 2 stems that arose from a failed tree. It was in poor condition.

The City of Pleasanton defines a Heritage tree as having a trunk diameter of 18" or greater or a height of 35' or more. For trees with more than one stem, trunk diameter is determined by adding together the 2 largest stems. Using these criteria, I determined there to be 95 Heritage trees including 42 coast live oaks, 23 Calif. bays, 10 bigleaf maples, blue gums #39, 40, 56; Calif. black walnuts #11, 58, 61; valley oaks #18, 53, 54; apple #70, 84; tree of heaven #151, 154; black locust #87, Calif. buckeye #197, Calif. incense cedar #74, elderberry #83, fig #78, Mexican fan palm #55 and willow #65.

Description of individual trees is found on the enclosed ***Tree Assessment Form***. Tree locations are found on the ***Tree Assessment Plan***. Both are included as **Attachments**.

Suitability for Preservation

Trees that are preserved on development sites must be carefully selected to make sure that they may survive development impacts, adapt to a new environment and perform well in the landscape. Our goal is to identify trees that have the potential for long-term health, structural stability and longevity. Evaluation of suitability for preservation considers several factors:

- **Tree health**
  Healthy, vigorous trees are better able to tolerate impacts such as root injury, demolition of existing structures, changes in soil grade and moisture, and soil compaction than are non-vigorous trees.
- **Structural integrity**
  Trees with significant amounts of wood decay and other structural defects that cannot be corrected are likely to fail. Such trees should not be preserved in areas where damage to people or property is likely.
- **Species response**
  There is a wide variation in the response of individual species to construction impacts and changes in the environment. In our experience, for example, Monterey pine, Calif. bay, and blue gum are very sensitive to construction impacts; while coast live oak is more tolerant of site disturbance.
- **Tree age and longevity**
  Old trees, while having significant emotional and aesthetic appeal, have limited physiological capacity to adjust to an altered environment. Young trees are better able to generate new tissue and respond to change.

- **Species invasiveness**
  Species which spread across a site and displace desired vegetation are not always appropriate for retention. This is particularly true when indigenous species are displaced. The California Invasive Plant Inventory Database (www.cal-ipc.org) lists species identified as having being invasive. Pleasanton is part of the Central West Floristic Province. Species identified as invasive that were present at Hidden Canyon include tree of heaven and Mexican fan palm.

Tree condition (health and structure) is the starting point for assessing suitability for preservation. In addition, suitability for preservation considers species response to impacts and invasiveness.

Each tree was rated for suitability for preservation based upon its age, health, structural condition and ability to safely coexist within a development environment (Table 2).

Table 2. Tree suitability for preservation. Hidden Canyon. Pleasanton CA.

High	Trees in good condition that have the potential for longevity at the site. Twelve (12) trees were rated as having high suitability for preservation: coast live oak #3, 15, 33, 34, 46, 64, 110, 135; valley oak #108, bigleaf maple #114, Calif. #126, and Calif. incense cedar #85.
Moderate	Trees in fair health and/or possessing structural defects that may be abated with treatment. Trees in this category require more intense management and monitoring, and may have shorter life-spans than those in the "high" category. Eighty-one (81) trees were rated as having moderate suitability for preservation including: 50 coast live oak, 9 Calif. bay, bigleaf maple #29, 133, 166, 168; Calif. black walnut #11, 13, 24; elderberry #47, 49, 81; valley oak #53, 54; apple #70, 75; English walnut #77, euonymus #71, loquat #76, Monterey cypress #80, Monterey pine #72, silk tree #69, apricot #73, black locust #87 and blue gum #56.
Low	Trees in poor health or possessing significant defects in structure that cannot be abated with treatment. These trees can be expected to decline regardless of management. The species or individual tree may possess either characteristics that are undesirable in landscape settings or be unsuited for use areas. One hundred fifteen (115) trees were rated as having low suitability for preservation including: 44 Calif. bay, 34 coast live oak, 14 tree of heaven, bigleaf maple #86, 136, 164, 167, 169, 176; Calif. black walnut #58, 59, 60, 61; blue gum #39, 40; Calif. buckeye #197, 203; elderberry #82, 83; apple #84, Calif. incense cedar #74, fig #78, Mexican fan palm #55, Scots pine #79, valley oak #18, and willow #65.

We consider trees with high suitability for preservation to be the best candidates for preservation. We do not normally recommend retention of trees with low suitability for preservation in areas where people or property will be present. Retention of trees with moderate suitability for preservation depends upon the intensity of proposed site changes.

Evaluation of Impacts and Recommendations for Action

Appropriate tree retention develops a practical match between the location and intensity of construction activities and the quality and health of trees. The tree assessment was the reference points for tree condition and quality. Impacts from the proposed project were assessed using the preliminary grading and utility plan (dated June 13, 2019) and the preliminary Dublin Canyon Road striping plan with signal (dated November 9, 2020), both prepared by RJA Associates, project engineers. Tree canopy outlines and some tree trunk locations were included on both plans.

With respect to the overall project, site development occurs in two areas. First, 29 new homes will be constructed on the west portion of the site. This area will be accessed from two new entries (Streets A and B) off Dublin Canyon Blvd. There were 67 trees in this area of the project. Most of these trees were native such as coast live oak, valley oak and Calif. bay. Some non-natives such as blue gum were also present.

The second major area of development is located on the very east portion of the site. Two lots are planned for this area. A new access road and parking area for the East Bay Regional Park District property will be constructed. There were 104 trees in this area. Within the existing residential properties were non-native, landscape trees. Native species including coast live oak and Calif. bay were found along the existing access road. A grove of 14 tree of heaven trees were located at the end of the access road near Parcel C.

In addition, improvements are planned for sections of Dublin Canyon Road. A traffic signal is proposed at the intersection with Canyon Meadows Drive and the headwall on the southside of the Devaney Creek crossing will be relocated. This requires that Dublin Canyon Road be widened on the south side in the location of trees #64, 65, 66, 67, and 172 to 207.

Impacts to trees could occur in a variety of ways. First, demolition of existing improvements such as buildings and infrastructure may directly damage tree roots and crowns. As significantly, grading and other construction activities may also damage trees, through both direct mechanical injury and indirectly by altering drainage.

Based on my assessment of the proposed plan and evaluation of the 208 trees, I recommend preservation of 147 trees (64 Heritage) and removal of 61 (24 Heritage) (Table 3, following page). Among trees recommended for preservation are six trees noted as "preserve?" (coast live oaks #62, 64, 66, 67; willow #65; valley oak #18). These six trees were located close to the edge of grading. A final decision on their retention or removal should be made once the limits of grading are staked in the field.

Fourteen (14) of the 49 trees recommended for removal were tree of heaven, a very invasive species. This group of trees was concentrated near the end of the EBRPD access road.

Recommendations for action should be considered preliminary in areas of dense tree canopy. Final determinations will be made when grading and improvements are staked in the field. In addition, pruning to trees to remain will be required, particularly along Dublin Canyon Road where tree canopies extend over the existing roadway (Photo 3).

Photo 3. Looking east along Dublin Canyon Road where the street will be widened and a retaining wall installed.

Estimate of Tree Value

The City of Pleasanton requires that the value of trees "included in the tree report affected by the development which are required to remain" (section17.16.050 #6) be established. To establish the value of the surveyed trees, I employed the standard methods found in ***Guide for Plant Appraisal***, 9th edition (published in 2000 by the International Society of Arboriculture, Savoy IL). In addition, I referred to ***Species Classification and Group Assignment*** (2004), a publication of the Western Chapter of the International Society of Arboriculture. These two documents outline the methods employed in tree appraisal.

I used the trunk formula method to estimate the replacement cost of each tree. The replacement cost is based on four factors: size, species, condition and location. Size is measured as trunk diameter, normally 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the East Bay area. The ***Species Classification and Group Assignment*** lists recommended species ratings and evaluations. Condition reflects the health and structural integrity of the individual. The location factor considers the site, placement and contribution of the tree in its surrounding landscape.

The estimated value of the 147 trees recommended for preservation is $507,900 (Table 3). This includes both Heritage and non-Heritage trees. The value of the 61 trees recommended for removal is $122,750.

Table 3. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
1	Coast live oak	24,18	4	Yes	$8,900	Remove	New entry
2	Coast live oak	28	4	Yes	$9,400	Remove	New entry
3	Coast live oak	33	5	Yes	$27,450	Preserve	Edge of grading
4	Coast live oak	20,16	3	Yes	$3,300	Preserve	Outside graded area
5	Coast live oak	14,12	4	Yes	$2,900	Preserve	Edge of grading
6	Coast live oak	13	4	No	$1,550	Preserve	Edge of grading
7	Coast live oak	28,21,17	4	Yes	$14,350	Remove	Road
8	Coast live oak	17,9	3	Yes	$2,100	Remove	Road
9	Coast live oak	14,9	3	Yes	$1,400	Remove	Road
10	Coast live oak	20,19,13,9	4	Yes	$7,250	Remove	Road
11	Calif. black walnut	32	4	Yes	$14,100	Preserve	Outside graded area
12	Coast live oak	7,7	4	No	$850	Preserve	Outside graded area
13	Calif. black walnut	6	4	No	$250	Preserve	Outside graded area
14	Coast live oak	9	4	No	$800	Preserve	Edge of grading
15	Coast live oak	15	5	No	$2,650	Preserve	Outside graded area
16	Calif. bay	16	4	No	$4,050	Preserve	Edge of grading
17	Coast live oak	12	4	No	$1,750	Preserve	Edge of grading
18	Valley oak	23	3	Yes	$7,650	Preserve?	Drain connection?
19	Coast live oak	6	4	No	$300	Preserve	Outside graded area
20	Coast live oak	17,12,9	4	Yes	$3,950	Preserve	Outside graded area
21	Coast live oak	9	3	No	$450	Preserve	Outside graded area
22	Coast live oak	14	4	No	$1,800	Preserve	Edge of grading
23	Coast live oak	12	4	No	$1,350	Preserve	Edge of grading
24	Calif. black walnut	13	4	No	$1,200	Preserve	Outside graded area

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
25	Coast live oak	12	4	No	$1,350	Preserve	Outside graded area
26	Coast live oak	6	3	No	$250	Preserve	Outside graded area
27	Coast live oak	9	3	No	$450	Preserve	Outside graded area
28	Coast live oak	17,16	3	Yes	$3,450	Preserve	Outside graded area
29	Bigleaf maple	24,21	4	Yes	$3,850	Preserve	Outside graded area
30	Coast live oak	21	3	Yes	$2,850	Preserve	Outside graded area
31	Coast live oak	18,11,9,9	4	Yes	$4,050	Preserve	Outside graded area
32	Coast live oak	8	4	No	$600	Preserve	Outside graded area
33	Coast live oak	11	5	No	$1,450	Preserve	Edge of grading
34	Coast live oak	17	5	No	$3,400	Preserve	Edge of grading
35	Calif. bay	8	4	No	$800	Preserve	Outside graded area
36	Coast live oak	6,5	4	No	$500	Preserve	Outside graded area
37	Coast live oak	13,9,5	4	Yes	$1,650	Preserve	Outside graded area
38	Coast live oak	18,15	4	Yes	$4,100	Preserve	Outside graded area
39	Blue gum	39	2	Yes	$1,950	Preserve	Outside graded area
40	Blue gum	65	3	Yes	$5,850	Preserve	Outside graded area
41	Calif. bay	17,15,14,12,12	4	Yes	$7,000	Preserve	Outside graded area
42	Coast live oak	33	4	Yes	$16,450	Preserve	Outside graded area
43	Coast live oak	15	3	No	$1,500	Preserve	Outside graded area
44	Coast live oak	9	4	No	$800	Preserve	Outside graded area
45	Coast live oak	7,6,4	4	No	$750	Preserve	Edge of grading
46	Coast live oak	13	5	No	$2,000	Preserve	Outside graded area
47	Elderberry	5,4,3,3	4	No	$350	Remove	Within grading

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
48	Coast live oak	9,6,4	4	No	$1,000	Remove	Within grading
49	Elderberry	7,5,3	4	No	$550	Remove	Within grading
50	Coast live oak	6	4	No	$300	Remove	Within grading
51	Coast live oak	16	3	No	$1,350	Preserve	Outside graded area
52	Coast live oak	6	4	No	$350	Preserve	Outside graded area
53	Valley oak	36	4	Yes	$37,900	Remove	Within grading
54	Valley oak	39	4	Yes	$43,050	Preserve	Outside graded area
55	Mexican fan palm	19	3	Yes	$800	Preserve	Outside graded area
56	Blue gum	56	4	Yes	$7,100	Preserve	Outside graded area
57	Coast live oak	22,14,7	3	Yes	$3,500	Preserve	Outside graded area
58	Calif. black walnut	27	3	Yes	$2,950	Preserve	Edge of grading
59	Calif. black walnut	12	2	No	$450	Remove	New entry
60	Calif. black walnut	9	3	No	$450	Remove	New entry
61	Calif. black walnut	9,9,9	2	Yes	$650	Remove	New entry
62	Coast live oak	8	3	No	$450	Preserve?	Edge of grading; check trunk location in field
63	Coast live oak	10	2	No	$400	Remove	Edge of grading; poor tree
64	Coast live oak	13	5	No	$2,650	Preserve?	Edge of grading; check trunk location in field
65	Willow	12,10	2	Yes	$200	Preserve?	Dublin Canyon Blvd.; new headwall area; check trunk location in field

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
66	Coast live oak	26	4	Yes	$6,950	Preserve?	Dublin Canyon Blvd.; new headwall area; check trunk location in field
67	Coast live oak	23	3	Yes	$4,550	Preserve?	Dublin Canyon Blvd.; new headwall area; check trunk location in field
68	Coast live oak	31	4	Yes	$14,600	Remove	Within grading
69	Silk tree	16	4	No	$2,600	Remove	Within grading
70	Apple	10,8,8,7	4	Yes	$2,500	Remove	Within grading
71	Euonymus	8,7,6,5	4	No	$550	Remove	Within grading
72	Monterey pine	15	3	No	$400	Remove	Within grading
73	Apricot	9,7,6	4	No	$1,250	Remove	Within grading
74	Calif. incense cedar	33	3	Yes	$5,350	Remove	Within grading
75	Apple	9,7,7	3	No	$950	Remove	Within grading
76	Loquat	9,7	4	No	$1,400	Remove	Within grading
77	English walnut	8,6,5	3	No	$500	Remove	Within grading
78	Fig	11,10	3	Yes	$1,050	Remove	Within grading
79	Scots pine	11	3	No	$750	Remove	Within grading

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
80	Monterey cypress	9	3	No	$500	Remove	Within grading
81	Elderberry	8,4	4	No	$600	Remove	Within grading
82	Elderberry	8	3	No	$300	Remove	Within grading
83	Elderberry	13,12	3	Yes	$1,450	Remove	Within grading
84	Apple	21	2	Yes	$1,400	Remove	Within grading
85	Calif. incense cedar	14	5	No	$4,000	Remove	Within grading
86	Bigleaf maple	32	1	Yes	$600	Remove	Within grading
87	Black locust	26,26,21	4	Yes	$5,000	Preserve	Edge of grading
88	Coast live oak	12,6	4	Yes	$1,400	Preserve	Edge of grading
89	Coast live oak	15	4	No	$2,050	Preserve	Edge of grading
90	Coast live oak	12	4	No	$1,350	Preserve	Edge of grading
91	Coast live oak	12,10	3	Yes	$1,200	Preserve	Edge of grading
92	Calif. bay	11,10,8,8,6	3	Yes	$2,700	Preserve	Edge of grading
93	Calif. bay	11,10,9,5	3	Yes	$1,950	Preserve	Edge of grading
94	Calif. bay	10,9,7,7,5,5,5,5,5	3	Yes	$2,250	Preserve	Edge of grading
95	Calif. bay	28,14,12,10,8,6	3	Yes	$12,950	Preserve	Edge of grading
96	Calif. bay	30,20,17,13,12,7	3	Yes	$19,450	Preserve	Edge of grading
97	Calif. bay	7	3	No	$450	Preserve	Edge of grading
98	Calif. bay	12,9	3	Yes	$1,450	Preserve	Edge of grading
99	Calif. bay	20,8,8,7,7	3	Yes	$3,800	Preserve	Edge of grading
100	Calif. bay	26	3	Yes	$4,600	Preserve	Edge of grading

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
101	Coast live oak	15	3	No	$1,500	Remove	Within grading
102	Coast live oak	32	3	Yes	$6,500	Preserve	Outside graded area
103	Calif. bay	13,12,11,9,8,6,6,5	3	Yes	$2,300	Preserve	Hold grading outside dripline
104	Coast live oak	10	3	No	$700	Preserve	Outside graded area
105	Calif. bay	15	4	No	$2,700	Preserve	Outside graded area
106	Calif. bay	9,5	2	No	$550	Preserve	Outside graded area
107	Calif. bay	65	2	Yes	$8,650	Preserve	Outside graded area
108	Valley oak	11	5	No	$2,450	Preserve	Outside graded area
109	Coast live oak	13,10,10,9,7	4	Yes	$3,500	Preserve	Outside graded area
110	Coast live oak	13	5	No	$2,000	Preserve	Outside graded area
111	Coast live oak	7,5	4	No	$600	Preserve	Outside graded area
112	Coast live oak	17	3	No	$1,900	Preserve	Outside graded area
113	Calif. bay	18	4	Yes	$3,850	Preserve	Outside graded area
114	Bigleaf maple	36	5	Yes	$6,400	Preserve	Outside graded area
115	Coast live oak	8	4	No	$600	Preserve	Outside graded area
116	Calif. bay	9	3	No	$700	Preserve	Outside graded area
117	Calif. bay	6	2	No	$200	Preserve	Outside graded area
118	Calif. bay	7,7	3	No	$800	Preserve	Outside graded area
119	Coast live oak	11,6	3	No	$950	Preserve	Outside graded area
120	Coast live oak	8	3	No	$450	Preserve	Outside graded area
121	Coast live oak	7	3	No	$350	Preserve	Outside graded area
122	Calif. bay	7,6	3	No	$650	Preserve	Outside graded area

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
123	Coast live oak	27	3	Yes	$3,750	Preserve	Outside graded area
124	Coast live oak	15	3	No	$1,500	Preserve	Outside graded area
125	Calif. bay	6,5	3	No	$450	Preserve	Outside graded area
126	Calif. bay	7	5	No	$800	Preserve	Outside graded area
127	Coast live oak	14	3	No	$1,300	Preserve	Outside graded area
128	Calif. bay	8	3	No	$550	Preserve	Outside graded area
129	Calif. bay	9,8,8,7,6	3	No	$1,450	Preserve	Outside graded area
130	Calif. bay	6,5	3	No	$450	Preserve	Outside graded area
131	Calif. bay	9,5	3	No	$900	Preserve	Outside graded area
132	Calif. bay	6	3	No	$350	Preserve	Outside graded area
133	Bigleaf maple	10	3	No	$300	Preserve	Outside graded area
134	Coast live oak	13,9,6,6	3	Yes	$1,250	Preserve	Outside graded area
135	Coast live oak	14	5	No	$2,300	Preserve	Outside graded area
136	Bigleaf maple	22	3	Yes	$1,400	Preserve	Outside graded area
137	Calif. bay	13	4	No	$2,050	Preserve	Outside graded area
138	Coast live oak	7,6	2	No	$300	Preserve	Outside graded area
139	Coast live oak	23	4	Yes	$4,800	Preserve	Outside graded area
140	Calif. bay	14	3	No	$1,700	Preserve	Outside graded area
141	Coast live oak	29,27	3	Yes	$9,450	Preserve	Outside graded area
142	Calif. bay	12,11	3	Yes	$2,150	Preserve	Outside graded area
143	Coast live oak	26	4	Yes	$6,150	Preserve	Outside graded area
144	Tree of heaven	11	2	No	$50	Remove	Poor suitability; invasive

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
145	Tree of heaven	12	2	No	$50	Remove	Poor suitability; invasive
146	Tree of heaven	15	3	No	$100	Remove	Poor suitability; invasive
147	Calif. bay	6	2	No	$200	Preserve	Outside graded area
148	Tree of heaven	8	3	No	$50	Remove	Poor suitability; invasive
149	Calif. bay	19	3	Yes	$3,100	Preserve	Outside graded area
150	Calif. bay	7,6,5	3	No	$700	Preserve	Outside graded area
151	Tree of heaven	24	1	Yes	$50	Remove	Poor suitability; invasive
152	Tree of heaven	8,6,6,4	1	No	$0	Remove	Poor suitability; invasive
153	Calif. bay	23	3	Yes	$4,750	Preserve	Outside graded area
154	Tree of heaven	18	3	Yes	$200	Remove	Poor suitability; invasive
155	Tree of heaven	8	2	No	$0	Remove	Poor suitability; invasive
156	Tree of heaven	7	3	No	$50	Remove	Poor suitability; invasive
157	Tree of heaven	10	4	No	$50	Remove	Poor suitability; invasive
158	Tree of heaven	16	3	No	$150	Remove	Poor suitability; invasive

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
159	Tree of heaven	8	2	No	$0	Remove	Poor suitability; invasive
160	Calif. bay	14,11,10,9,9,8	3	Yes	$2,800	Preserve	Outside graded area
161	Tree of heaven	12	3	No	$100	Remove	Poor suitability; invasive
162	Calif. bay	36	4	Yes	$14,750	Preserve	Outside graded area
163	Tree of heaven	14	4	No	$150	Remove	Poor suitability; invasive
164	Bigleaf maple	38,36,30	3	Yes	$7,000	Preserve	Outside graded area
165	Coast live oak	28	3	Yes	$5,050	Preserve	Outside graded area
166	Bigleaf maple	23	4	Yes	$2,150	Preserve	Outside graded area
167	Bigleaf maple	22,16	3	Yes	$2,150	Preserve	Outside graded area
168	Bigleaf maple	28	4	Yes	$3,150	Preserve	Outside graded area
169	Bigleaf maple	17	3	No	$850	Preserve	Outside graded area
170	Calif. bay	23,15	3	Yes	$6,500	Preserve	Outside graded area
171	Calif. bay	38,24,22,19,15	3	Yes	$21,600	Preserve	Outside graded area
172	Calif. bay	15,11,3,3	3	Yes	$2,300	Remove	Devaney Creek improvements
173	Calif. bay	17,10,7	2	Yes	$1,500	Remove	Devaney Creek improvements
174	Calif. bay	16,14,13,11,10, 10,8,6,4,3	2	Yes	$2,700	Remove	Devaney Creek improvements
175	Calif. bay	12,7	2	Yes	$750	Remove	Devaney Creek improvements

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
176	Bigleaf maple	14,9	2	Yes	$400	Remove	Devaney Creek improvements
177	Coast live oak	7	4	No	$450	Remove	Devaney Creek improvements
178	Coast live oak	28	4	Yes	$10,650	Remove	Dublin Canyon Rd.
179	Coast live oak	20	3	Yes	$1,900	Remove	Dublin Canyon Rd.
180	Coast live oak	13	3	No	$850	Preserve	Dublin Canyon Rd.
181	Coast live oak	9	2	No	$300	Preserve	Dublin Canyon Rd.
182	Coast live oak	12	3	No	$900	Preserve	Dublin Canyon Rd.
183	Calif. bay	5,5,3	2	No	$200	Preserve	Dublin Canyon Rd.
184	Coast live oak	13,4	2	No	$700	Preserve	Dublin Canyon Rd.
185	Calif. bay	6,5,5	3	No	$550	Preserve	Dublin Canyon Rd.
186	Coast live oak	9	3	No	$500	Preserve	Dublin Canyon Rd.
187	Calif. bay	6,5,5	2	No	$300	Preserve	Dublin Canyon Rd.
188	Coast live oak	19	3	Yes	$2,150	Preserve	Dublin Canyon Rd.
189	Calif. bay	6,4	2	No	$300	Preserve	Dublin Canyon Rd.
190	Coast live oak	24	2	Yes	$2,050	Preserve	Dublin Canyon Rd.
191	Calif. bay	10,7,7,6,6,5,4	2	No	$800	Preserve	Dublin Canyon Rd.
192	Calif. bay	10	2	No	$400	Preserve	Dublin Canyon Rd.
193	Calif. bay	8,6,5,4,4,3,3, 3,2,2,2	2	No	$750	Preserve	Dublin Canyon Rd.
194	Coast live oak	6	4	No	$350	Remove	Dublin Canyon Rd.
195	Calif. bay	7	4	No	$500	Remove	Dublin Canyon Rd.
196	Calif. bay	7,6,6	2	No	$450	Preserve	Dublin Canyon Rd.

Table 3, continued. Proposed Action and Estimate of Value. Hidden Canyon. Pleasanton CA.

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excell.	Heritage Tree?	Estimate of Value	Proposed Action	Notes
197	Calif. buckeye	10,8,8,6	3	Yes	$1,100	Preserve	Dublin Canyon Rd.
198	Coast live oak	12,12	2	Yes	$950	Preserve	Dublin Canyon Rd.
199	Calif. bay	10,4	3	No	$800	Preserve	Dublin Canyon Rd.
200	Coast live oak	17	2	No	$700	Preserve	Dublin Canyon Rd.
201	Calif. bay	8,8	2	No	$550	Preserve	Dublin Canyon Rd.
202	Coast live oak	12	2	No	$600	Preserve	Dublin Canyon Rd.
203	Calif. buckeye	7,6	3	No	$400	Preserve	Dublin Canyon Rd.
204	Coast live oak	10	1	No	$150	Preserve	Dublin Canyon Rd.
205	Coast live oak	13	3	No	$1,050	Remove	Dublin Canyon Rd.
206	Coast live oak	7,6	3	No	$550	Preserve	Dublin Canyon Rd.
207	Coast live oak	7	2	No	$150	Remove	Dublin Canyon Rd.
208	Coast live oak	22	4	Yes	$7,700	Preserve	Dublin Canyon Rd.

Tree Preservation Guidelines

The following are recommendations for design and construction phases that will assist in successful tree preservation.

Design recommendations

1. Locate the trunk of all trees recommended for preservation that are located within 25' of the edge of grading and/or utility installation. Include trunk locations and tree tag numbers on all plans.

2. Establish a **TREE PROTECTION ZONE** around each tree to be preserved. For design purposes, the **TREE PROTECTION ZONE** shall be 3' behind the edge of grading. No grading, excavation, construction or storage of materials shall occur within that zone.

3. Install protection around all trees to be preserved. No entry is permitted into a tree protection zone without permission of the project superintendent.

4. Use only herbicides safe for use around trees and labeled for that use, even below pavement.

Pre-construction and demolition treatments and recommendations

1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.

2. Trees to be preserved may require pruning to provide adequate clearance from construction activities. All pruning shall be performed by a licensed State of California contractor possessing the C61 classification license and the D49 specification. All pruning shall adhere to the latest editions of the American National Standards Institute Z133 and A300 standards.

3. Install tree protective fencing at the edge of the **TREE PROTECTION ZONE.** No grading, construction, installation or other activity is permitted within this area.

4. Stake the edge of grading along the EBRPD access road in order to review impacts to trees.

Tree protection during construction

1. Prior to beginning work, the contractors working in the vicinity of trees to be preserved are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.

2. Any grading, construction, demolition or other work that is expected to encounter tree roots should be monitored by the Consulting Arborist.

3. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.

4. Fences have been erected to protect trees to be preserved. Fences are to remain until all site work has been completed. Fences may not be relocated or removed without permission of the project superintendent.

5. Construction trailers, traffic and storage areas must remain outside fenced areas at all times.

6. No materials, equipment, spoil, waste or wash-out water may be deposited, stored, or parked within the **TREE PROTECTION ZONE** (fenced area).

7. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.

8. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.

HortScience | Bartlett Consulting

James R. Clark, Ph.D.
Certified Arborist WE-0846

ATTACHMENTS

Tree Assessment Form

Tree Location Map

Tree Assessment

Hidden Canyon
Pleasanton CA
December 2014 & November 2020

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

TREE No.	SPECIES	TRUNK DIAMETER (in.)	HERITAGE TREE?	CONDITION 1=poor 5=excel-lent	SUITABILITY for PRESERVATION	COMMENTS
1	Coast live oak	24,18	Yes	4	Moderate	Multiple attachments @ base; overhead power lines; canopy to ground; 18" leans N.
2	Coast live oak	28	Yes	4	Moderate	Multiple attachments @ 6'; overhead power lines; canopy to ground.
3	Coast live oak	33	Yes	5	High	Specimen; multiple attachments @ 7'; canopy to ground.
4	Coast live oak	20,16	Yes	3	Low	Codominant attachments @ base; 20" leans SE. with poor form & structure; 16" vertical.
5	Coast live oak	14,12	Yes	4	Moderate	Codominant attachments @ base; round form.
6	Coast live oak	13	No	4	Moderate	Near fence; multiple attachments @ 5'; dense canopy.
7	Coast live oak	28,21,17	Yes	4	Moderate	Top of sharp bank; exposed roots; multiple attachments @ base; round form; canopy to ground.
8	Coast live oak	17,9	Yes	3	Low	Mid-bank; poor form & structure; suppressed; codominant attachments @ 2'.
9	Coast live oak	14,9	Yes	3	Low	Mid-bank; poor form & structure; suppressed; codominant attachments @ 1'; leans N.
10	Coast live oak	20,19,13,9	Yes	4	Moderate	Top of bank; multiple attachments @ base; one-sided to S.
11	Calif. black walnut	32	Yes	4	Moderate	Top of bank; codominant attachments @ 5' & above; 1 stem vertical; 2nd leans E.
12	Coast live oak	7,7	No	4	Moderate	Codominant attachments @ 3'; nice canopy.
13	Calif. black walnut	6	No	4	Moderate	Codominant attachments @ 4'.
14	Coast live oak	9	No	4	Moderate	Multiple attachments @ 5'.
15	Coast live oak	15	No	5	High	Good form & structure; somewhat rangy.

Tree Assessment

Hidden Canyon
Pleasanton CA
December 2014 & November 2020

HORT SCIENCE
BARTLETT CONSULTING
Divisions of The F.A. Bartlett Tree Expert Company

TREE No.	SPECIES	TRUNK DIAMETER (in.)	HERITAGE TREE?	CONDITION 1=poor 5=excel-lent	SUITABILITY for PRESERVATION	COMMENTS
16	Calif. bay	16	No	4	Moderate	4' back of v-ditch; multiple attachments @ 2'; below overhead lines.
17	Coast live oak	12	No	4	Moderate	2' behind utility box; bowed N.
18	Valley oak	23	Yes	3	Low	Girdled by wire; lost central leader; multiple attachments @ 12'; below overhead lines.
19	Coast live oak	6	No	4	Moderate	Leans NW.; rangy.
20	Coast live oak	17,12,9	Yes	4	Moderate	Codominant attachments @ base & 3'; round form; canopy to ground.
21	Coast live oak	9	No	3	Low	Upright stem from failed trunk; suppressed; one-sided to E.
22	Coast live oak	14	No	4	Moderate	Edge; one-sided to N.; codominant attachments @ 6'.
23	Coast live oak	12	No	4	Moderate	Edge; one-sided to NW.
24	Calif. black walnut	13	No	4	Moderate	Edge; one-sided to W.
25	Coast live oak	12	No	4	Moderate	Edge; one-sided to W.
26	Coast live oak	6	No	3	Low	Edge; suppressed.
27	Coast live oak	9	No	3	Low	Edge; one-sided to & bowed S.
28	Coast live oak	17,16	Yes	3	Moderate	Interior; codominant attachments @ base & 5'; asymmetric to SE.
29	Bigleaf maple	24,21	Yes	4	Moderate	Edge; codominant attachments @ base; round form.
30	Coast live oak	21	Yes	3	Moderate	Edge; one-sided to S.; codominant attachments @ 5' & 6'.
31	Coast live oak	18,11,9,9	Yes	4	Moderate	Edge; round form; multiple attachments @ 1'.
32	Coast live oak	8	No	4	Moderate	Edge; codominant attachments @ 4' & 5'.
33	Coast live oak	11	No	5	High	Edge; good form & structure.

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34	Coast live oak	17	No	5	High	Edge; good form & structure.
35	Calif. bay	8	No	4	Moderate	Edge; typical form & structure.
36	Coast live oak	6,5	No	4	Moderate	Codominant attachments @ 1'; multiple attachments @ 5'; dense canopy.
37	Coast live oak	13,9,5	Yes	4	Moderate	Codominant attachments @ 1', 2' & 5'; dense canopy.
38	Coast live oak	18,15	Yes	4	Moderate	Codominant attachments @ 1'; round form; canopy to ground; 18" vertical; 15" leans S.
39	Blue gum	39	Yes	2	Low	Multiple attachments @ 2'; poor form & structure; *Laetiporus* @ old pruning wound; history of branch failure.
40	Blue gum	65	Yes	3	Low	Multiple attachments @ 2'; upright; leans S.
41	Calif. bay	17,15,14,12, 12	Yes	4	Moderate	Fence line; multiple attachments @ 1'; nice form.
42	Coast live oak	33	Yes	4	Moderate	Multiple attachments @ 7'; slight bottle-butt; round form; canopy to ground.
43	Coast live oak	15	No	3	Low	Suppressed; one-sided to W.
44	Coast live oak	9	No	4	Moderate	Fence line; typical form & structure.
45	Coast live oak	7,6,4	No	4	Moderate	Codominant attachments @ 1' & 3'; round & dense.
46	Coast live oak	13	No	5	High	Good form & structure.
47	Elderberry	5,4,3,3	No	4	Moderate	Multiple attachments @ base; shrub.
48	Coast live oak	9,6,4	No	4	Moderate	Multiple attachments @ 3'; dense canopy.
49	Elderberry	7,5,3	No	4	Moderate	Multiple attachments @ base; shrub.
50	Coast live oak	6	No	4	Moderate	Girdled by wire; small crown.

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51	Coast live oak	16	No	3	Low	Codominant attachments @ 5' & 10'; lost central leader; round form; canopy to ground.
52	Coast live oak	6	No	4	Moderate	Typical form & structure.
53	Valley oak	36	Yes	4	Moderate	Specimen; multiple attachments @ 8'; wide crown.
54	Valley oak	39	Yes	4	Moderate	Specimen; codominant attachments @ 10' & 14'; wide crown; heavy lateral limb to NE.
55	Mexican fan palm	19	Yes	3	Low	60' brown trunk; small canopy lacks vigor.
56	Blue gum	56	Yes	4	Moderate	Multiple attachments @ 4'; upright.
57	Coast live oak	22,14,7	Yes	3	Moderate	Very one-sided to S.; multiple attachments @ 3'.
58	Calif. black walnut	27	Yes	3	Low	Big tree; no basal flare; perhaps due to fill; typical form & structure; stubbed; no vigor.
59	Calif. black walnut	12	No	2	Low	Long column of trunk decay on N.; poor form & structure.
60	Calif. black walnut	9	No	3	Low	Edge of driveway; decay @ old pruning wounds; rangy.
61	Calif. black walnut	9,9,9	Yes	2	Low	Edge of driveway; decay @ base on N.; twig dieback throughout.
62	Coast live oak	8	No	3	Low	One-sided to S.; lost central leader.
63	Coast live oak	10	No	2	Low	Poor form & structure; lost central leader; girdled by wire.
64	Coast live oak	13	No	5	High	Good form & structure; codominant attachments @ 10'; 10' from curb.
65	Willow	12,10	Yes	2	Low	Remnant of failed tree; 10" stubbed off.

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66	Coast live oak	26	Yes	4	Moderate	Mid-slope; multiple attachments @ 5'; 2 vertical on S.; 3rd leans N.; gap in canopy on N. due to power lines. Remove N. stem to keep.
67	Coast live oak	23	Yes	3	Moderate	Asymmetric form due to power lines; codominant attachments @ 8'; heavy to N.
68	Coast live oak	31	Yes	4	Moderate	Codominant attachments af 7'; both upright; canopy lifted; should have cable.
69	Silk tree	16	No	4	Moderate	Typical form & structure; mature tree; long wound on scaffold branch.
70	Apple	10,8,8,7	Yes	4	Moderate	Multiple attachments @ 1'.
71	Euonymus	8,7,6,5	No	4	Moderate	Free-standing; multiple attachments @ base; 15' tall.
72	Monterey pine	15	No	3	Moderate	Open & rangy form; girdling root.
73	Apricot	9,7,6	No	4	Moderate	Multiple attachments @ 5'; typical form & structure.
74	Calif. incense cedar	33	Yes	3	Low	Base of house; slight lean S.; laterals sweep upright; codominant attachments high in crown; rangy form.
75	Apple	9,7,7	No	3	Moderate	Multiple attachments @ 4'; stubbed back.
76	Loquat	9,7	No	4	Moderate	Typical form & structure.
77	English walnut	8,6,5	No	3	Moderate	Multiple attachments @ 1'; typical form & structure.
78	Fig	11,10	Yes	3	Low	Codominant attachments @ base; 10' tall.
79	Scots pine	11	No	3	Low	Low branch to S.; thin canopy.
80	Monterey cypress	9	No	3	Moderate	Big shrub; lost central leader.
81	Elderberry	8,4	No	4	Moderate	Corrected lean N.; other stems stubbed; shrub.

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82	Elderberry	8	No	3	Low	Sprouts from decayed stump; sinuous stem.
83	Elderberry	13,12	Yes	3	Low	Sprouts from decayed stump; small overmature tree.
84	Apple	21	Yes	2	Low	Hollow.
85	Calif. incense cedar	14	No	5	High	Good form & structure; nice tree.
86	Bigleaf maple	32	Yes	1	Low	Basically dead.
87	Black locust	26,26,21	Yes	4	Moderate	Multiple attachments @ base; typical form & structure otherwise; several sets of codominant attachments; stem on S. suppressed.
88	Coast live oak	12,6	Yes	4	Moderate	Codominant attachments @ 3' & 6'; vase-shaped crown.
89	Coast live oak	15	No	4	Moderate	Corrected lean S.; multiple attachments @ 15'.
90	Coast live oak	12	No	4	Moderate	Narrow vase-shaped crown; good.
91	Coast live oak	12,10	Yes	3	Moderate	Codominant attachments @ 1' with poor attachment; needs cable to keep.
92	Calif. bay	11,10,8,8,6	Yes	3	Low	Multiple attachments @ 1'; asymmetric form; one-sided to SW.
93	Calif. bay	11,10,9,5	Yes	3	Low	Multiple attachments @ base; upright; very thin canopy.
94	Calif. bay	10,9,7,7,5,5, 5,5,5	Yes	3	Low	Upright stems from failed, decayed trunk.
95	Calif. bay	28,14,12,10, 8,6	Yes	3	Low	Multiple attachments @ base; interior; asymmetric form.
96	Calif. bay	30,20,17,13, 12,7	Yes	3	Low	Multiple attachments @ base with decay in center; 2 large stems dominate; 12" failed to N.
97	Calif. bay	7	No	3	Moderate	Narrow & upright.

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98	Calif. bay	12,9	Yes	3	Low	Codominant attachments @ 1'; 1 upright; 2nd with broad sweep to W.
99	Calif. bay	20,8,8,7,7	Yes	3	Low	Multiple attachments @ base from decayed stump; small stems bow outwards; 20" stem vertical.
100	Calif. bay	26	Yes	3	Low	Multiple attachments @ 2'; numerous *Ganoderma* conks @ base; bowed N. & NW.
101	Coast live oak	15	No	3	Moderate	Codominant attachments @ 16'; 1 bowed E.; 2nd flat to SW.
102	Coast live oak	32	Yes	3	Low	Edge of creek; old #989; one-sided to & slight lean E.; heavy lateral limbs.
103	Calif. bay	13,12,11,9,8, 6,6,5	Yes	3	Low	Base sliding down the creek bank; multiple attachments @ base.
104	Coast live oak	10	No	3	Moderate	Leans W.; codominant attachments @ 5' & 10'.
105	Calif. bay	15	No	4	Moderate	Slight lean N. otherwise good.
106	Calif. bay	9,5	No	2	Low	Codominant attachments @ base with decay; suppressed.
107	Calif. bay	65	Yes	2	Low	Huge collapsing tree; *Ganoderma* conks; 3 stem failures; 4th stem cracked @ attachment.
108	Valley oak	11	No	5	High	Narrow vase-shaped crown.
109	Coast live oak	13,10,10,9,7	Yes	4	Moderate	Multiple attachments @ base.
110	Coast live oak	13	No	5	High	Good form & structure; rounded form.
111	Coast live oak	7,5	No	4	Moderate	Codominant attachments @ 2'; narrow & upright.
112	Coast live oak	17	No	3	Low	Bowed N. with S-shaped trunk; base outside of dripline.
113	Calif. bay	18	Yes	4	Moderate	Codominant attachments @ 5'; upright.

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114	Bigleaf maple	36	Yes	5	High	Huge tree with pretty good form; wide crown.
115	Coast live oak	8	No	4	Moderate	Good young tree; emerging thru canopy of #114.
116	Calif. bay	9	No	3	Low	Suppressed; bowed SE.; base outside of dripline.
117	Calif. bay	6	No	2	Low	Large cavity @ base; poor form.
118	Calif. bay	7,7	No	3	Low	Topped with resprouts; big shrub.
119	Coast live oak	11,6	No	3	Moderate	Rangy form; codominant attachments @ 3'.
120	Coast live oak	8	No	3	Low	Narrow & upright due to competition; codominant attachments @ 10'.
121	Coast live oak	7	No	3	Low	Suppressed; leans E.
122	Calif. bay	7,6	No	3	Low	Codominant attachments @ base; separating.
123	Coast live oak	27	Yes	3	Low	Poor form & structure; old #760; multiple attachments @ 5'; very rangy form.
124	Coast live oak	15	No	3	Low	Sinuous trunk; lost central leader; rangy form.
125	Calif. bay	6,5	No	3	Low	Suppressed; codominant attachments @ 2'.
126	Calif. bay	7	No	5	High	Good young tree; narrow & upright.
127	Coast live oak	14	No	3	Low	Codominant attachments @ 5'; 1 stem leans E. with another codominant attachment high in crown; 2nd stem horizontal to W.
128	Calif. bay	8	No	3	Low	Codominant attachments high in crown; thin canopy.
129	Calif. bay	9,8,8,7,6	No	3	Low	Old #764; multiple attachments @ 1'; lean outwards.
130	Calif. bay	6,5	No	3	Low	Codominant attachments @ 1'; separating.
131	Calif. bay	9,5	No	3	Low	Codominant attachments @ base; 7" dominates.
132	Calif. bay	6	No	3	Low	Suppressed.
133	Bigleaf maple	10	No	3	Moderate	Basal wound; asymmetric form.

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134	Coast live oak	13,9,6,6	Yes	3	Low	Multiple attachments @ base; very rangy irregular form.
135	Coast live oak	14	No	5	High	Codominant attachments high in crown.
136	Bigleaf maple	22	Yes	3	Low	Multiple attachments @ 4'; one-sided to W.
137	Calif. bay	13	No	4	Moderate	Codominant attachments @ 5'; narrow & upright.
138	Coast live oak	7,6	No	2	Low	Suppressed; poor form & structure.
139	Coast live oak	23	Yes	4	Moderate	Codominant attachments @ 12'; one-sided to W. but good.
140	Calif. bay	14	No	3	Low	Partly suppressed by #141; one-sided to with slight lean NE.; codominant attachments high in crown.
141	Coast live oak	29,27	Yes	3	Moderate	Big tree; codominant attachments @ 3'; 27" vertical & dominant; 29" bowed flat to S.
142	Calif. bay	12,11	Yes	3	Low	Codominant attachments @ 2'; separated.
143	Coast live oak	26	Yes	4	Moderate	Multiple attachments @ 15'; wide crown.
144	Tree of heaven	11	No	2	Low	Poor form & structure; bowed flat to W.
145	Tree of heaven	12	No	2	Low	Bowed S.; base outside of dripline.
146	Tree of heaven	15	No	3	Low	Codominant attachments @ 9'; 1 stem upright; 2nd bowed N.
147	Calif. bay	6	No	2	Low	Suppressed; poor form & structure.
148	Tree of heaven	8	No	3	Low	Small rangy crown.
149	Calif. bay	19	Yes	3	Low	Lost central leader; rangy form.
150	Calif. bay	7,6,5	No	3	Low	Codominant attachments @ 1' & above; basal wounds.
151	Tree of heaven	24	Yes	1	Low	Codominant attachments @ 5'; 1 stem vertical; 2nd stem failed; large trunk wounds.

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152	Tree of heaven	8,6,6,4	No	1	Low	Multiple attachments @ base; largely dead.
153	Calif. bay	23	Yes	3	Low	*Ganoderma* conks; codominant attachments @ 4' & 9'; pruned for overhead power lines.
154	Tree of heaven	18	Yes	3	Low	High crown.
155	Tree of heaven	8	No	2	Low	Poor form & structure.
156	Tree of heaven	7	No	3	Low	High thin crown; crook; mid-trunk.
157	Tree of heaven	10	No	4	Low	Okay form & structure; one-sided to S.
158	Tree of heaven	16	No	3	Low	High crown.
159	Tree of heaven	8	No	2	Low	Poor form & structure; crowded.
160	Calif. bay	14,11,10,9,9, 8	Yes	3	Low	Sprouts from decayed stump; poor attachment ground?
161	Tree of heaven	12	No	3	Low	High crown.
162	Calif. bay	36	Yes	4	Moderate	Multiple attachments @ 4'; one-sided to W.; big tree.
163	Tree of heaven	14	No	4	Low	Codominant attachments @ 4. & 7'; vase-shaped crown.
164	Bigleaf maple	38,36,30	Yes	3	Low	Huge tree; just below top of bank; multiple attachments @ 3'; spread apart; decay in trunk.
165	Coast live oak	28	Yes	3	Low	Top of.bank; codominant attachments @ 6' & 10'; wide crown with no leader.
166	Bigleaf maple	23	Yes	4	Moderate	Top of bank; multiple attachments @ 10'; wide vase-shaped crown.
167	Bigleaf maple	22,16	Yes	3	Low	Top of bank; codominant attachments @ 2'; poor form & structure.
168	Bigleaf maple	28	Yes	4	Moderate	Big tree; multiple attachments @ 8'; edge; one-sided to E.

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169	Bigleaf maple	17	No	3	Low	Edge; codominant attachments @ 7'; separated; leans N.
170	Calif. bay	23,15	Yes	3	Low	Codominant attachments @ base of decayed stump; upright.
171	Calif. bay	38,24,22,19, 15	Yes	3	Low	**Tag on fence post**; mid-slope; huge tree; stems bowed outwards; large trunk failure.
172	Calif. bay	15,11,3,3	Yes	3	Low	Mid-slope; multiple attachments @ base; one-sided to N.
173	Calif. bay	17,10,7	Yes	2	Low	Mid-slope; poor form & structure; multiple attachments @ base; suppressed; one-sided to E.
174	Calif. bay	16,14,13,11, 10,10,8,6,4,3	Yes	2	Low	Edge of bank; multiple attachments @ base; decay in center; one-sided to E.; sprawling with vertical & horizontal stems.
175	Calif. bay	12,7	Yes	2	Low	Mid-slope; codominant trunks @ 2'; suppressed; bowed flat to N.
176	Bigleaf maple	14,9	Yes	2	Low	Edge of bank; leans sharply to N.; base outside of dripline; codominant trunks @ 1'.
177	Coast live oak	7	No	4	Moderate	Near #65; emerges thru shrubs; leans W.; high crown.
178	Coast live oak	28	Yes	4	Moderate	Multiple attachments @ 8'; under wires; crown heavy to N.; 10' behind existing curb.
179	Coast live oak	20	Yes	3	Moderate	Corrected lean N.; codominant trunks @ 7'; large basal wound; 3' behind existing curb.
180	Coast live oak	13	No	3	Low	Mid-slope; irregular form; side-trimmed; sinuous trunk.

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181	Coast live oak	9	No	2	Low	Mid-slope; crook @ base; multiple attachments @ 8'.
182	Coast live oak	12	No	3	Low	Mid-slope; leans N.; multiple attachments @ 12'.
183	Calif. bay	5,5,3	No	2	Low	Mid-slope; multiple attachments @ base; suppressed.
184	Coast live oak	13,4	No	2	Low	Mid-slope; codominant trunks @ base; sharp lean N.; base outside of dripline.
185	Calif. bay	6,5,5	No	3	Low	Mid-slope; multiple attachments @ base; intermediate; narrow form.
186	Coast live oak	9	No	3	Low	Mid-slope; leans N.; small high crown.
187	Calif. bay	6,5,5	No	2	Low	**Tag on W. side of trunk**; mid-slope; multiple attachments @ base; topped.
188	Coast live oak	19	Yes	3	Low	Mid-slope; sharp lean N.; base outside of dripline; sweeps upright over road.
189	Calif. bay	6,4	No	2	Low	Mid-slope; codominant trunks @ 1'; under wires; topped.
190	Coast live oak	24	Yes	2	Low	Mid-slope; topped & raised leaving narrow layer of foliage.
191	Calif. bay	10,7,7,6,6,5, 4	No	2	Low	Mid-slope; exposed roots; vertical sprouts from stump; one-sided to N.
192	Calif. bay	10	No	2	Low	Mid-slope; exposed roots; multiple attachments @ 5'; crowded.
193	Calif. bay	8,6,5,4,4,3,3, 3,2,2,2	No	2	Low	**Tag on edge of canopy @ curb**; mid-slope; vertical sprouts from horizontal stem; topped; one-sided downhill to N.
194	Coast live oak	6	No	4	Moderate	Base of slope; high crown; 7' from curb.

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195	Calif. bay	7	No	4	Moderate	Base of slope; codominant trunks high in crown; 9' from curb.
196	Calif. bay	7,6,6	No	2	Low	**Tag on cut stub @ curb**; mid-slope; multiple attachments @ base; lean & one-sided to N.; suppressed.
197	Calif. buckeye	10,8,8,6	Yes	3	Low	Mid-slope; multiple attachments @ base; one-sided to NE.; 10" stem on ground; needs to be pruned.
198	Coast live oak	12,12	Yes	2	Low	Mid-slope; codominant trunks @ 1'; topped; one-sided to N.
199	Calif. bay	10,4	No	3	Low	Mid-slope; leans N.; sweeps vertical; one-sided to N.
200	Coast live oak	17	No	2	Low	Mid-slope; leaning & bowed N.; base outside of dripline; ext. decay in lower trunk.
201	Calif. bay	8,8	No	2	Low	Mid-slope; codominant trunks @ base; topped; below wires.
202	Coast live oak	12	No	2	Low	Mid-slope; topped; below wires; poor.
203	Calif. buckeye	7,6	No	3	Low	Tag on twig @ edge of canopy; mid-slope; multiple attachments @ base; one-sided to N.
204	Coast live oak	10	No	1	Low	**Tag on twig @ edge of canopy**; mid-slope; poor form & structure.
205	Coast live oak	13	No	3	Low	Base of slope; codominant trunks @ 3'; 8' from existing curb.
206	Coast live oak	7,6	No	3	Low	Base of slope; directly downslope from light pole; codominant trunks @ 3' with included bark; okay form; 4' from existing curb.

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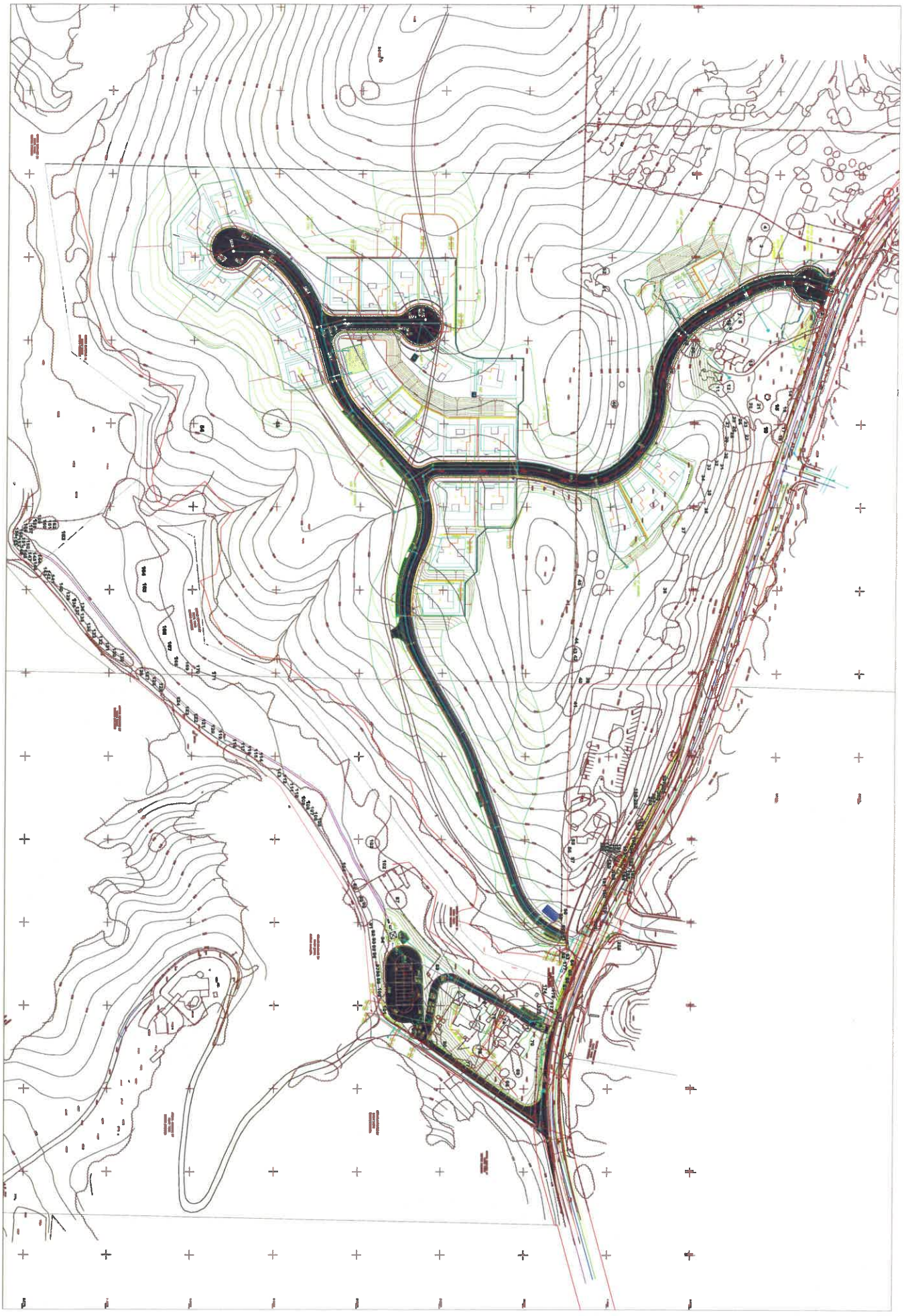
207	Coast live oak	7	No	2	Low	Base of slope; emerges from slope then turns vertical; base outside of dripline.
208	Coast live oak	22	Yes	4	Moderate	Good form & structure; one-sided to S.; 27' from curb to S.; 24' to arc of curb.



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Dublin (3712168))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
Ambystoma californiense California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
Antrozous pallidus pallid bat	AMACC10010	None	None	G5	S3	SSC
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Bombus crotchii Crotch bumble bee	IIHYM24480	None	Candidate Endangered	G3G4	S1S2	
Bombus occidentalis western bumble bee	IIHYM24250	None	Candidate Endangered	G2G3	S1	
Centromadia parryi ssp. congdonii Congdon's tarplant	PDAST4R0P1	None	None	G3T1T2	S1S2	1B.1
Elanus leucurus white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Eremophila alpestris actia California horned lark	ABPAT02011	None	None	G5T4Q	S4	WL
Helianthella castanea Diablo helianthella	PDAST4M020	None	None	G2	S2	1B.2
Linderiella occidentalis California linderiella	ICBRA06010	None	None	G2G3	S2S3	
Masticophis lateralis euryxanthus Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2	
Myotis yumanensis Yuma myotis	AMACC01020	None	None	G5	S4	
Polemonium carneum Oregon polemonium	PDPLM0E050	None	None	G3G4	S2	2B.2
Rana draytonii California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC
Vulpes macrotis mutica San Joaquin kit fox	AMAJA03041	Endangered	Threatened	G4T2	S2	

Record Count: 18

LEGEND

Potential Waters of the U.S.

- Seasonal Wetland Swales (23,669 SF / 0.54 AC, 662 LF)
- Tributary (63,116 SF / 1.44 AC, 6,098 LF)
- Tributary (1,437 SF / 0.03 AC, 879 LF)
- Seasonal Wetland Gully (82 SF / 0.001 AC, 71 LF)
- Roadside Ditch (2,660 SF / 0.0 AC, 39 LF)

Other Features

- Project Boundary (Approx. 124 Ac.)
- SP1 - Sample Points
- Culvert

U.S. Army Corps of Engineers
San Francisco District
Regulatory Division

Preliminary Jurisdictional Determination, Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act

Lester Ranch, Shriner Property
Pleasanton, Alameda County, California

(Latitude 37.69265°, Longitude -121.95507° centroid)

Waters accurate as shown in map legend.

Waters identified within the study area may be Jurisdictional pursuant to Section 404 of the Clean Water Act of 1972

File ID. **SPN-2015-00381** Date: **August 15, 2024** 1 Sheet

SWS 1
Seasonal Wetland Swale
13,188 SF, 328 LF

Roadside Ditch (RD-1)
2,660 SF, 266 LF

Canyon Crk Cir

(SWS-4)
Seasonal Wetland Swale
4,682 SF, 115 LF

Culvert

Culvert

Drainage Enters Property

SP6

SP5

SP4

(SWG-1)
Seasonal Wetland Gully
82 SF, 71 LF

Dublin Canyon Rd

SWS 3
Seasonal Wetland Swale
4,873 SF, 165 LF

SWS 2
Seasonal Wetland Swale
926 SF, 54 LF

592,786 E
4,172,460 N

Culvert

Culvert

(ET-2) UnnamedTributary
1,006 SF, 0.02 Ac., 503 LF

SP3

SP1

(IT-2) Unnamed Tributary
11,573 SF, 0.26 Ac. 1,798 LF

(ET-3) Unnamed Tributary
337 SF, 0.01 Ac., 337 LF

SP2

(IT-1) Tributary - Devaney Creek
51,543 SF, 1.18 Ac. 4,300 LF

Culvert

Culvert

591,663 E
4,171,848 N

ET-1 Tributary - Hedd Creek
94 SF, 39 LF

1,000' 0 1,000 feet

Approximate Scale
1' = 300'

Source:
Topographic Base courtesy of Ruggeri-Jensen-Azar Engineers
Universal Transverse Mercator Coordinate System Zone 10, NAD83 / NAVD 1988

LIVE OAK ASSOCIATES, INC.

Lester / Hidden Canyon Ranch
Potential Waters of the U.S.

Date	Project #	Figure #
6/05/2023	**1851-02**	**4**

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: August 15, 2024

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:
Mr. Jeff Schroeder
6130 Stoneridge Mall Road, Suite 185
Pleasanton, CA 94588

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:
San Francisco District, SPN-2015-00381, Lester Ranch, Shriner Property

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: California County: Alameda City: Pleasanton

Center coordinates of site (lat/long in degree decimal format):
Lat: 37.69265 ° Long: -121.95507 °
Universal Transverse Mercator: Dublin 7.5

Name of nearest waterbody: Dublin Creek, Devaney Creek, and other unnamed waters

C. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: July 17, 2024

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (square feet)	Type of aquatic resource (i.e. wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e. Section 404 or Section 10/404)
IT-1 Tributary (Devaney creek)	-121.954000	37.691562	51543	non-wetland waters	Section 404
IT-2 Unnamed tributary	-121.957666	37.692670	11573	non-wetland waters	Section 404
ET-1 Tributary (Hedd Creek)	-121.959053	37.689399	94	non-wetland waters	Section 404
ET-2 Unnamed Tributary	-121.952188	37.693238	1006	non-wetland waters	Section 404
ET-3 Unnamed Tributary	-121.952722	37.692670	337	non-wetland waters	Section 404
SWS-1 Seasonal Wetland Swale	-121.954651	37.696353	13188	wetland	Section 404
SWS-2 Seasonal Wetland Swale	-121.953837	37.695655	926	wetland	Section 404
SWS-3 Seasonal Wetland Swale	-121.954548	37.695234	4873	wetland	Section 404
SWS-4 Seasonal Wetland Swale	-121.953834	37.696095	4682	wetland	Section 404
SWG 1- Seasonal Wetland Gully	-121.953834	37.695851	82	wetland	Section 404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre- construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:

Map:
☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale:_____

☐ Data sheets prepared by the Corps:_____
☐ Corps navigable waters' study:_____
☐ U.S. Geological Survey Hydrologic Atlas:
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USGS TNM – National Hydrography Dataset. Data Refreshed July, 2023., USGS The National Map: Orthoimagery. Data refreshed December, 2021
☐ Natural Resources Conservation Service Soil Survey. Citation:_____

☐ National wetlands inventory map(s). Cite name:
☐ State/local wetland inventory map(s):_____
☐ FEMA/FIRM maps:_____
☐ 100-year Floodplain Elevation is:_____. (National Geodetic Vertical Datum of 1929)
☐ Photographs: ☐ Aerial (Name & Date): _____
or ☐ Other (Name & Date):___
☐ Previous determination(s). File no. and date of response letter:_____
☒ Other information (please specify):Previous AJD, September 25, 2017 "Extent of U.S. Army Corps of Engineers' Jurisdiction Pursuant to Section 404 Clean Water Act, Lester-Shriner Property, City of Pleasanton, Alameda County, California"

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

STABILE.JENNIFER.LYN.1615142987 Digitally signed by STABILE.JENNIFER.LYN.1615142987 Date: 2024.08.15 09:14:39 -07'00'

Signature and date of Regulatory staff member completing PJD

Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable) [1]

[1] Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

August 15, 2024

Regulatory Division

SUBJECT: File Number SPN-2015-00381, Lester Ranch Property

Mr. Jeff Schroeder
6130 Stoneridge Mall Road, Suite 185
Pleasanton, California 94588
jschroeder@ponderosahomes.com

Dear Mr. Schroeder:

This correspondence is in reference to your submittal of May 29, 2024, requesting a preliminary jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring at the Lester Ranch Property. This project site is located at 10807 and 11033 Dublin Canyon Road located in the City of City of Pleasanton, Alameda County, California; Latitude 37.69265 °, Longitude -121.95507 ° centroid.

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended, 33 U.S.C. § 1344 *et seq*.

The enclosed delineation map titled “Preliminary Jurisdictional Determination pursuant to Section 404 Clean Water Act, SPN-2015-00381, Lester Ranch Property, Pleasanton, Alameda County, California,” in 1 sheet and date certified August 15, 2024, depicts the extent and location of wetlands, and other waters of the United States within the boundary area of the site that **may be** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. This preliminary jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of July 10, 2024, and a review of other data included in your submittal. While this preliminary jurisdictional determination was conducted pursuant to Regulatory Guidance Letter No. 16-01, Jurisdictional Determinations, it may be subject to future revision if new information or a change in field conditions becomes subsequently apparent. The basis for this preliminary jurisdictional determination is fully explained in the enclosed Preliminary Jurisdictional Determination Form. You are requested to sign and date this form and return it to this office within two weeks of receipt.

You are advised that the preliminary jurisdictional determination may **not** be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. pt. 331 (65 Fed. Reg. 16,486; Mar. 28, 2000). Under the provisions of 33 C.F.R Section 331.5(b)(9), non-appealable actions include preliminary jurisdictional determinations since they are considered to be only advisory in nature and make no definitive conclusions on the jurisdictional status of the water bodies in question. However, you may request this office to provide an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site; an approved jurisdictional determination may be appealed through the *Administrative Appeal Process*. If you anticipate requesting an approved jurisdictional determination at some future date, you are advised not to engage in any on-site grading or other construction activity in the interim to avoid potential violations and penalties under Section 404 of the Clean Water Act. Finally, you may provide this office new information for further consideration and request a reevaluation of this preliminary jurisdictional determination.

You may refer any questions on this matter to Jennifer Stabile at 415-503-6783 or by e-mail at Jennifer.L.Stabile@usace.army.mil. All correspondence should be addressed to the Regulatory Division, South Branch, referencing the file number at the head of this letter. The San Francisco District is committed to improving service to our customers.

The Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website: https://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Digitally signed by Katerina Galacatos
Date: 2024.08.15 09:36:20 -07'00'

Katerina Galacatos, Ph.D.
Chief South Branch, Regulatory Division

Enclosure

cc (w/ encl):
Live Oak Associates Inc. (Attn. Rick Hopkins, rhopkins@loainc.com; Arren Mendezona, aallegretti@loainc.com)
San Francisco Regional Water Quality Control Board (Attn. Brian Wines, brian.wines@waterboards.ca.gov; rb2-401Application@waterboards.ca.gov)

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