Appendix B: Updated Biological Resources Assessment

OLBERDING ENVIRONMENTAL, INC.
Wetland Regulation and Permitting

August 25, 2022

Mr. Troy Bourne
Spieker Senior Development Partners
2 Las Estrellas Loop
Rancho Mission Viejo, California 92694

SUBJECT: Spieker Senior Continuing Care Retirement Community – Biological Resources Analysis Update

Dear Mr. Bourne,

This letter is an update with clarifications to information on biological resources as published in the March 11, 2022 DEIR for the Spieker Senior Continuing Care Retirement Community Project (Project), located in Contra Costa County, California, including the February 2020 LSA Biological Resources Report, the OEI Summary Report on Biological Resources, the OEI Response to Peer Review Memorandum, and the Biological Resources Report Peer Review prepared by HT Harvey. This update to the earlier reports has been prepared for submittal to Contra Costa County and inclusion in the FEIR to address the following: (a) Mapping of the extent of creeping wildrye grass habitat present; (b) Surveys for plant species that require summer surveys in relationship to the footprint of the project listed in DEIR Table 3.4-1, including big tarplant; and (c) A full assessment for the potential for usage of this site by special-status wildlife species listed in DEIR Table 3.4-2, including Alameda whipsnake, California red-legged frog, western pond turtle, Townsend's big-eared bat, and San Francisco dusky-footed woodrat.

In summary, this update concludes that potential impacts to creeping wildrye grass and riparian woodland habitat connected to jurisdictional drainages will be adequately mitigated through implementation of DEIR Measures BIO-1.1 through 3.2.

A special-status plant and wildlife species database search and review was conducted using the CNDDB and other sources. An additional search was conducted for special-status plants using CNPS Inventory on-line. Special-status species reports were accessed by searching the CNDDB database for the Walnut Creek, Diablo, Briones Valley, Benicia, Honker Bay, Vine Hill, Clayton, Oakland East, Las Trampas Ridge USGS 7.5-minute quadrangles which surround the Property, and by examining those species that have been identified in the vicinity of the Property. The database report identified special-status species known to occur in the region or those that have the potential to occur in the vicinity of the Property. The CNDDB report was used to focus special-status species analysis of the site prior to the reconnaissance survey.

Olberding Environmental biologists conducted a reconnaissance-level survey of the Property on June 21, 2022 for the purpose up updating the referenced earlier reports and information pertaining to special-status plant and wildlife species contained in Chapter 3.4, Biological Resources, of the DEIR. The survey consisted of walking throughout the Property and evaluating the site and adjacent lands for potential biological resources. Existing conditions, observed plants and wildlife, adjacent land use, soils and potential biological resource constraints were recorded during the visit.

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The objectives of this field survey were to determine the potential presence or absence of special-status species and habitats listed in the CNDDB database report. The survey included: (a) Mapping of the extent of creeping wildrye grass habitat present; (b) Surveys for plant species that require summer surveys in relationship to the footprint of the project listed in DEIR Table 3.4-1, including big tarplant; and (c) A full assessment for the potential for usage of this site by special-status wildlife species listed in DEIR Table 3.4-2, including Alameda whipsnake, California red-legged frog, western pond turtle, Townsend's big-eared bat, and San Francisco dusky-footed woodrat. In addition, the Olberding Environmental biologists looked for other potential sensitive species or habitats that may not have been obvious from background database reports or research. Surveys conducted after the growing season or conducted outside of the specific flowering period for a special-status plant cannot conclusively determine the presence or absence of such plant species; therefore, site conditions and habitat type were used to determine potential for occurrence. When suitable habitat was observed to support a special-status plant or animal species, it was noted in the discussion for that species. Regulatory agencies evaluate the possibility of occurrence based on habitats observed on-site and the degree of connectivity with other special-status animal habitats in the vicinity of the Property.

Sources consulted for agency status information include USFWS for federally listed species and CDFW for State of California listed species. Based on information from the above sources, Olberding Environmental developed a target list of special-status plants and animals with the potential to occur within or in the vicinity of the Property. The following is a summary of our conclusions:

1. **Big Tarplant** - Big tarplant is found in valley and foothill grassland habitats, especially in dry hills and plains in annual grasslands. This plant has often been sighted in burned areas. It occurs in Alameda, Contra Costa, and Stanislaus Counties, but is considered extirpated in San Joaquin and Solano Counties. This very tall annual is a member of the sunflower family and exhibits white flowers approximately one inch wide that are born on glandular stems. The vegetative portion of the plant is gray green. The blooming period for big tarplant is July to October. The annual grassland habitat that is thought to support this plant species consists of untilled annual grasslands such as found on grazing or rangelands.

   The DEIR Table 3.4-1 states that there is no suitable habitat on the Property for this species. Two CNDDB occurrences of this species have occurred within five miles of the Property. The closest occurrence (Occurrence #12) was approximately 0.5 miles southwest of the Property. Limited information is available as this occurrence which was a historical record from 1937. Open grassland habitat occurs across the Property; however, big tarplant characteristically prefers some disturbance such as grazing or fire which does not occur on the Property. No evidence of occurrence of big tarplant was found on the Property during our survey.

2. **Nesting Bird Species** – DEIR Mitigation Measures BIO 1.2, 1.3, and 1.4 are measures that would provide for pre-construction surveys for burrowing owls, white tailed kites, and other nesting birds and raptors; avoid impacts to nesting birds through commencing activities outside the active nesting season; and through the establishment of designated buffer zones appropriate for any nesting birds found during the nesting season. The June 21, 2022 survey revealed a previously undiscovered

active red-tailed hawk nest on the Property; however, the existing DEIR Mitigation Measures 1.2, 1.3, and 1.4 are sufficient to adequately reduce any potential bird impacts to less-than-significant.

3. **California Red-legged Frog** - CNDDB listed nine occurrences of California red-legged frog (*Rana draytonii*) (CRLF) in the 5-mile radius of the Property. The closest recorded occurrence of this species is 3.8 miles to the southeast within the Diablo Foothills Regional Park. The DEIR Table 3.4-2 states that there is no suitable habitat for this species on the Property. The Property only contains non-breeding, foraging and dispersal habitat. It does not contain breeding habitat as there are no perennial ponds or in channel pools suitable for breeding and no ground squirrel burrows were found near the central drainage which could be used as upland refuge. In addition, the nearest perennial pond at Heather Farms contains numerous bull frogs which makes it less than suitable for CRLF due to predation of larval CRLF and competition of resources with adults. No evidence of occurrence of CRLF or of suitable habitat was found on the Property during the June 21, 2022 survey.

4. **California Tiger Salamander** – The DEIR Table 3.4-2 states that there is no suitable habitat on the Property for California tiger salamanders. Our current research and survey confirm this conclusion. The CNDDB has listed four occurrences of California tiger salamander (*Ambystoma californiense*) (CTS) within five miles of the Property. The closest of these occurrences is a historical record from 1954 that was mapped over the Property location and is described as "1-mile northeast of Walnut Creek" from museum records. CTS observed during this occurrence are considered extirpated due to heavy development in the area. The other three occurrences within 5-miles of the site are also considered extirpated populations of CTS. No evidence of occurrence of CTS or of suitable breeding or upland habitat was found on the Property during the June 21, 2022 survey; therefore, CTS are presumed absent as stated in the DEIR.

5. **Alameda Whipsnake** – The DEIR Table 3.4-2 states that there is no suitable habitat on the Property for Alameda whipsnake. CNDDB listed 16 occurrences of Alameda whipsnake (*Masticophis lateralis euryxanthus*) within the 5-mile radius of the Property. The closest recorded occurrence of the Alameda whipsnake to the Property is from 2003 and was located approximately 3.1 miles to the east of the Property within the Lime Ridge Open Space. There are rock outcrops and a small area of coastal sage scrub habitat on the Property, both of which are known to be utilized by Alameda whipsnake; however, due to the very small areas of rock outcroppings and coastal scrub habitat and the lack of overall density of scrub on the Property (~5 shrubs in the far northeast corner of the Property) there is very low possibility of this species occurring within the Property. No evidence of occurrence of Alameda whipsnake was found on the Property during the June 21, 2022 survey. For Alameda whipsnake to occur on the Property, they would have had to have maintained a viable breeding population in this location before the heavy development of the urbanized adjoining unincorporated and incorporated Walnut Creek areas that have since isolated them from other open sage and chapparal habitats much further to the east and west of the Property.

6. **Western Pond Turtle** – The DEIR Table 3.4-2 states that there is no suitable habitat on the Property for western pond turtle. Our current research and survey confirm this conclusion. No evidence of occurrence of western pond turtle was found on the Property during our June 21, 2022 survey. There are no CNDDB occurrences recorded within 5-miles of the Property. There is

suitable habitat for western pond turtle at Heather Farms, adjacent to the Property; however, there are also non-native red-eared sliders at Heather Farms which tend to out compete the native turtles. The Property is separated from the pond at Heather Farms by a roadway and at least two chain-link fences which would make dispersal onto the Property problematic for any potential turtles. Western pond turtles prefer deep, perennial waters which are not present on the Property.

7. **Townsend's Big-Eared Bat** – The DEIR Table 3.4-2 states that there is no suitable habitat for Townsend's big-eared bat. Our current research and survey confirm this conclusion. No evidence of occurrence of Townsend's big-eared bat was found on the Property during the June 21, 2022 survey. The CNDDB listed two occurrences of this species within 5-miles of the Property, the closest of which was 0.5-miles away; however, both occurrences were historical records from 1907 and 1938 prior to the heavy development of Walnut Creek. This species is typically found in mountain forests and the closest known population of Townsend's big-eared bats is on the slopes of Mount Diablo. This species roosts in caves, mines, and abandoned buildings with open ceilings, none of which occur on the Property. There are several other species of bat that may occur on the Property and the DEIR Mitigation Measure BIO 1.1 would be sufficient to reduce impacts to the other bat species to less-than-significant impact with mitigation incorporated.

8. **San Francisco Dusky-footed Woodrat** – The DEIR Table 3.4-2 states that there is no suitable habitat for the San Francisco dusky-footed woodrat. Our current research and survey confirm this conclusion. No evidence of occurrence of San Francisco dusky-footed woodrat was found on the Property during the June 21, 2022 survey. The CNDDB listed one occurrence of San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) as occurring in the vicinity of the Property. No woodrat nests were observed during the survey of the Property and this species prefers dense understory in riparian or woodland habitat, whereas the Property contains sparse valley oak trees with grassland understory that does not provide adequate shelter for the rats.

9. **Creeping Wildrye Grass Habitat** – Creeping wildrye (*Leymus triticoides*) turfs are a California Sensitive Natural Community (41.081.00) with a State Rank of S3. Natural communities with a rank of 1-3 are considered sensitive and must be disclosed according to CEQA guidelines. Creeping wildrye is not listed as rare, threatened, or endangered under ESA or CESA, is not considered a special-status species, and does not require mitigation; however, other considerations when assessing potential impacts to Sensitive Natural Communities for a project include:
    1. Compliance with state and federal wetland and riparian policies and codes, as certain Natural Communities are restricted to wetlands or riparian settings.
    2. Compliance with the Native Plant Protection Act and the state and federal Endangered Species Acts, as some Natural Communities either support rare species or are defined by the dominance or presence of such species.
    3. Compliance with CEQA Guidelines Section 15065(a), which mandates completion of an EIR if a project would threaten to eliminate a plant community.
    4. Compliance with local regional plans, regulations, or ordinances that call for consideration of impacts to Natural Communities.
    5. Vegetation types that are not on the state's sensitive list but that may be considered rare or unique to the region under CEQA Guidelines Section 15125(c).

The creeping wildrye on the Property is primarily located along the central drainage and within associated wetland habitat planned for preservation. There are two other much smaller patches on the north side of the property located under oak canopy near the boundary with Walnut Creek. The grading footprint of the Project impacts approximately 0.09 acres of creeping wildrye grassland habitat within upland areas that are associated with grading and retaining wall installation in the north of the Property that will completely remove the two smaller patches of creeping wildrye (see Figure 1). Replanting of this species in the revegetation areas can be accomplished as outlined in the DEIR through implementation of DEIR Mitigation Measures BIO-2.1 and BIO-3.1 and 3.2.

10. **Riparian Woodland Habitat Extending Over Portions of the Site Drainages** – Riparian woodland habitat exists on the Property as discussed in the DEIR and mapped in Figures 1-2 of the H.T. Harvey Report dated September 17, 2021 contained in DEIR Appendix E as representing a total of approximately 0.16 acre. The largest area occurs along the drainage that originates from Kinross Drive and flows to the west towards the Property entrance. This dense riparian woodland consists of oak and willow species with a dense understory layer at the head of the drainage. The riparian habitat associated with the central drainage consists primarily of valley oaks in the area where the existing ranch access road crosses the drainage.

    Construction of the Kinross Drive entrance will likely result in approximately 0.16 acres of impacts to riparian habitat, including 0.03 acre of perennial drainage as verified by the USACE. DEIR Mitigation Measures BIO-2.1 and 2.2, applied to all areas of riparian impacts, will be sufficient in reducing impacts to less than significant. DEIR Mitigation Measures BIO-3.1 and 3.2 call for use of construction best management practices and final project design to minimize impacts to jurisdictional areas, and for compensatory mitigation of those perennial drainage and seasonal wetland features which cannot be avoided.

11. **Surveys for Plant Species Requiring Summer Surveys** – During the June 21, 2022 survey, sensitive natural communities including riparian woodland, and creeping wildrye grassland were surveyed and mapped. Previous surveys for bent-flower fiddleneck, Diablo helianthella, fragrant fritillary, Mt. Diablo fairy-lantern, and Woodland woollythreads were conducted on April 21, May 29, and June 29, 2020, with negative findings for these plants; the July 21, 2022 survey provided no contrary evidence.

If you have any questions, please feel free to contact me at (925) 866-2111.

Sincerely,

Jeff Olberding
Regulatory Scientist