APPENDIX G
BIOLOGICAL RESOURCES REPORT

H. T. HARVEY & ASSOCIATES
ECOLOGICAL CONSULTANTS

September 15, 2004

Michelle Yesney
David J. Powers and Associates
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San Jose, CA 95126
Tel: (408) 248-3500
Fax: 408-248-9641

Subject: Rincon De Los Esteros EIR Update. Project Number 1160-02.

Dear Mrs. Yesney:

This report summarizes the results of reconnaissance-level surveys to revisit 19 of the 95 properties located in the Rincon Redevelopment Area of San Jose, Santa Clara County, California. These properties were originally surveyed as part of the Environmental Impact Report (EIR) prepared for that project (*H. T. Harvey & Associates, 1997. Rincon Redevelopment Area Environmental Impact Report, Biotic Resources Section*). The revisited areas included properties numbered 4, 5, 6, 7, 8, 11, 24, 25, 26, 27, 31, 32, 37, 38, 42, 43, 44, 46, and 52 (Figure 1). Four additional sites not included in the original Rincon Redevelopment EIR were also visited as part of this effort (Figure 1). H. T. Harvey & Associates' plant ecologist Andrew Dilworth and wildlife biologist Laird Henkel conducted the surveys on August 26 and September 1 and 2, 2004, respectively. We inspected each property to confirm vacancy, to determine whether there had been any significant change in existing conditions as previously described in the EIR, and to photograph each. General observations are summarized below. None of the properties were found to have any additional habitats or potentially regulated resources not already described in the Rincon Redevelopment EIR. It should be noted that since the 1997 EIR, the Central California ESU of steelhead (*Oncorhynchus mykiss*) was listed as threatened under the Federal Endangered Species Act. This anadromous fish occurs in both Coyote Creek and the Guadalupe River. Although no habitat for this species occurred within any properties considered here, development of properties bordering steelhead habitat could affect this species.

Undeveloped properties. Of the 19 properties revisited, 17 remain undeveloped, including 4, 5, 6, 7, 8, 24, 25, 27, 31, 32, 37, 38, 42, 43, 44, 46, and 52. Many of these were subject to ongoing, annual tillage, which prevented new habitats from developing. Most of the properties not recently tilled supported ruderal vegetation, as previously described in the EIR. Properties 4, 6, 26, 27, 37, and 46 also supported areas of ruderal hydrophytic vegetation such as nutsedge (*Cyperus eragrostis*), cocklebur (*Xanthium spinosum*), willow herb (*Epilobium brachycarpum*), shining peppergrass (*Lepidium latifolium*), and curly dock (*Rumex crispus*). These areas were found associated with either irrigation runoff, or excavated features that could become inundated and form ponds. None of these areas comprise seasonal-wetland habitat however, and are not considered potentially regulated habitats. Properties 5 and 7 originally contained microdepressional topography capable of supporting seasonal-wetland habitat, but these features were no longer obvious due to ongoing tillage.

Of the three properties revisited along Coyote Creek that previously featured riparian habitat, number 26, has been developed (see below), number 42 remains undeveloped, but no longer contains riparian habitat within the estimated property boundary, except for a single California sycamore tree (*Platanus racemosa*), and number 44 still contained four large sycamore trees as previously described. Riparian canopy along the Coyote Creek corridor overlapped with the estimated boundary for both numbers 42 and 44. Elsewhere, numbers 8 and 27 bordering the Guadalupe River, and number 25 bordering Coyote Creek did not have any overlapping riparian canopy because they were separated from these riparian corridors by high levees.

Some properties had been altered such that they supported different biotic habitats, or had been partially developed, since they were described in the EIR. These included properties 8, 24, 27, 37, and 52. Specifically, number 8 was covered with 20% ruderal habitat instead of 10% non-native grassland and coyote-brush-scrub habitat, and the urban landscape in number 24 increased 20%. Also, about one half of parcel number 37 consisted of compacted fill, forming urban landscape, while number 52, which had been entirely urban, was 75% ruderal. Property 27 remained mostly undeveloped, but was divided into three sections by Orchard Road and Component Drive, which eliminated about 10% of the undeveloped area.

Undeveloped sites continued to provide the same wildlife habitat as described in the EIR. Most undeveloped properties supported little vegetation, and many appeared to be disked on a regular basis. Few wildlife species were likely to use these habitats. Bare habitats, open, ruderal habitats, and non-native, annual, grassland habitats can support Burrowing Owls (*Athene cunicularia*). Much of the habitat for this California Species of Special Concern has been lost in the south San Francisco Bay area, and loss of remaining habitat is of concern to the California Department of Fish and Game (CDFG) and other agencies and relevant organizations. Burrowing Owls are most likely to occur in the northern portion of the redevelopment area, closer to other occupied habitats north of Highway 237. Other special-status wildlife species that could occur in these habitats were described in the EIR. In grasslands and open ruderal habitats, California Horned Larks (*Eremophila alpestris actia*) and Loggerhead Shrikes (*Lanius ludovicianus*) may occur. Where trees are present for nesting (*e.g.*, near riparian corridors), White-tailed Kites (*Elanus leucurus*) and Cooper's Hawks (*Accipiter cooperii*) could nest. Where old structures may provide roosting habitat, pallid bats (*Antrozous pallidus*) and Townsend's big-eared bats (*Corynorhinus townsendii*) may occur. In addition, other nesting raptors, protected under CDFG code, may nest in riparian trees immediately adjacent to some properties bordering Coyote Creek and the Guadalupe River, or in isolated larger trees on other sites.

Developed properties. Only two of the 19 properties revisited had been developed since the Rincon Redevelopment EIR was prepared. Number 11, located in the southeast corner of North First Street and River Oaks Parkway, was developed. In addition, Parcel 26 has been converted from non-native grassland and remnant riparian habitat into urban landscape consisting of bare compacted fill. It appeared that the cottonwood trees (*Populus fremontii*) previously occurring on site had been removed. As mentioned above, property 27 was partially developed, as Orchard Road and Component Drive now bisect that site, but it remained otherwise vacant. Developed properties provide virtually no habitat for wildlife. A few urban-adapted species, such as the non-native House Sparrow (*Passer domesticus*) may occur here.

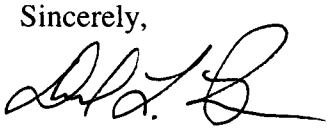
Additional Sites. The four additional sites surveyed as part of this reconnaissance did not contain any habitats not already described in the EIR, yet they are described here for clarification. Sites A and B located at the north end of the redevelopment area were dominated by non-native grassland and ruderal species. Site A was also partially developed with a gravel lot comprising about 20% of that site, while Site B had a gravel access road comprising 10% of that site. About 25% of Site B was covered by Russian thistle (*Salsola tragus*). Site B also had an excavated swale dominated by ruderal hydrophytes (described above), but it did not appear to have any active hydrology or otherwise represent seasonal-wetland habitat. Site C comprised50% tilled ground, which was completely bare, and 40% citrus orchard. Two homes situated within the orchard occupied the rest of this site (10%). An isolated grove of large California sycamore trees occurred between these homes, but did not represent remnant riparian habitat, because they were well removed from both Coyote Creek and the Guadalupe River. Finally, Site D, located along the Guadalupe River, consisted of non-native grassland habitat. This site supported a patch of willow saplings (*Salix* spp.) in the center of the parcel. Ruderal hydrophytic vegetation was scattered across this site, but this vegetation was not associated with any active hydrology nor did it represent seasonal-wetland habitat. This site was separated from the river by a high levee and therefore, the site did not contain overlapping riparian canopy. The southwest corner of this site was being subject to pump station and levee improvements.

These sites may provide habitat for special-status wildlife species, as described above under Undeveloped Parcels, and as described in the EIR.

Conclusions

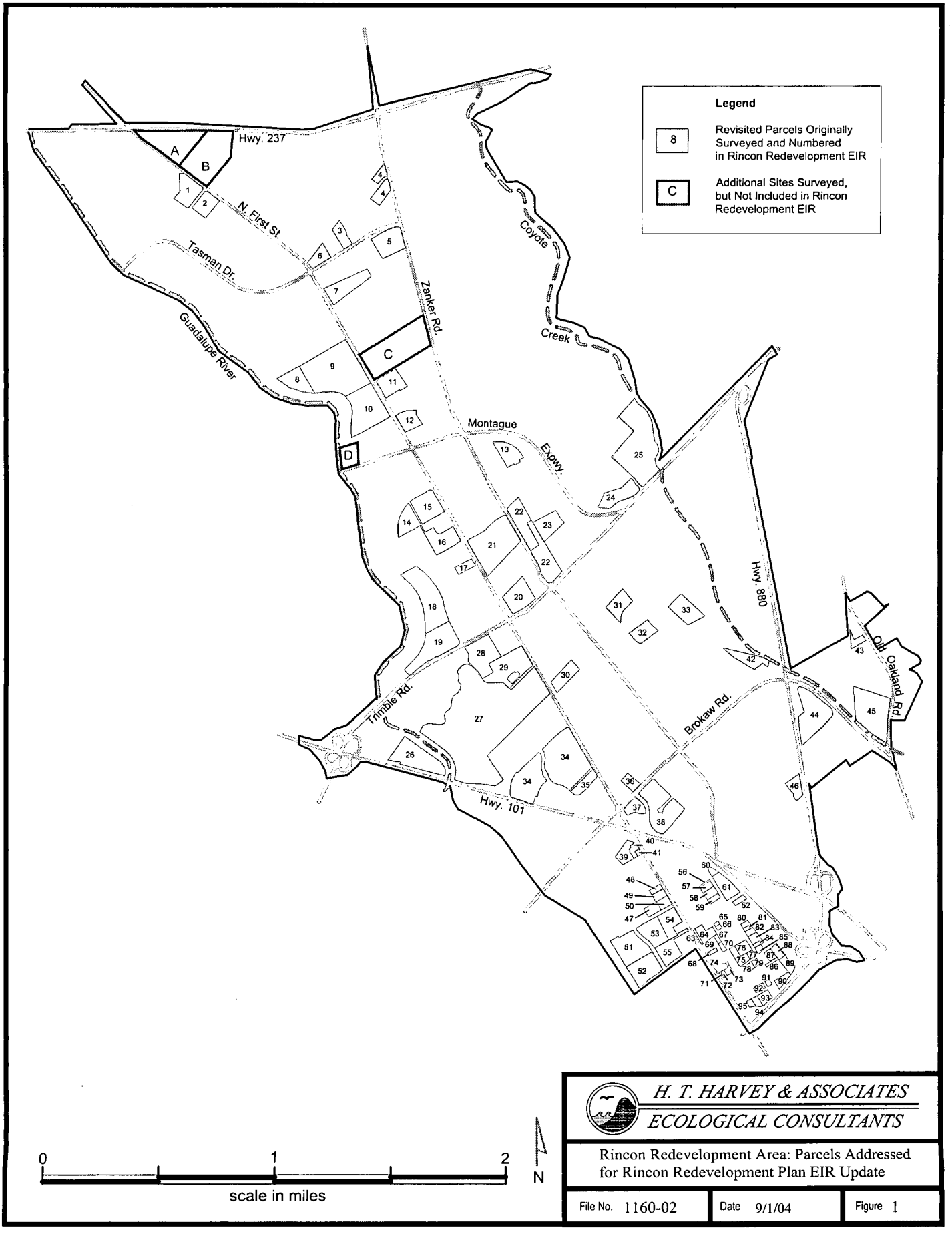
Twenty-three properties from the earlier EIR and four new sites were surveyed as part of this assessment update, all of which were found to contain habitats already described in the Rincon Redevelopment EIR. Most of the properties contained ruderal and/or non-native grassland habitat and many were subject to annual tilling. Accordingly, none were expected to support any of the special-status plant species previously considered in the EIR. Only a few of the parcels were found to have been substantially altered from the condition previously described. No additional wetland or riparian habitats were observed in any of the properties, and some had actually had reductions in such habitats (numbers 26 and 42). Undeveloped properties still provided potential habitat for Burrowing Owls and other special-status wildlife species as described in the EIR. Please call me at (408) 448-9450 x 204, with any questions.

Sincerely,



Dave Plumpton, Ph. D.
Associate Ecologist

Enclosure: Figure 1.



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Rincon Redevelopment Area: Parcels Addressed for Rincon Redevelopment Plan EIR Update

File No. 1160-02	Date 9/1/04	Figure 1

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RINCON REDEVELOPMENT AREA ENVIRONMENTAL IMPACT REPORT BIOTIC RESOURCES SECTION

Prepared by:

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October 1, 1997

Project No.1160-01

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EXECUTIVE SUMMARY

The Rincon de los Esteros Redevelopment Project ("Rincon") area is an approximately 4,660 acre area in northern San Jose, Santa Clara County, California. The Rincon area is located south of State Route 237, generally east of the Guadalupe River, west of Coyote Creek and Interstate 880, and north of Interstate 880 (several sites occur just outside of these general boundaries).

Most of the land within the Redevelopment Project area has already been developed. This update of the Rincon Redevelopment Plan EIR addresses 95 parcels comprising approximately 365 acres of land categorized by the City of San Jose as "Vacant" and 285 acres of land categorized as "Redevelopable." The project proposes the urbanization and development of the Rincon area in accordance with the San Jose General Plan. The majority of remaining undeveloped land within the project area is designated for commercial and/or industrial uses.

Seven habitat types were identified within the study area. These habitats include urban landscape, agricultural (orchards, row crops, fallow fields, and ruderal), non-native grassland, coyote brush scrub, seasonal wetland, remnant riparian cottonwood forest, and remnant sycamore alluvial woodland.

Reconnaissance-level field surveys to identify and map biotic habitats, identify plants and animals found on the parcels, and assess the suitability of the parcels to support special-status plant and animal species were conducted in April 1997. Due both to the lack of appropriate habitat and the highly disturbed condition of the site, no special-status plant species are expected to occur on the Rincon parcels. The site may support breeding for White-tailed Kites, Cooper's Hawks, Burrowing Owls, California Horned Larks, Loggerhead Shrikes, and pallid bats, which are all special-status animal species.

The proposed project will ultimately result in a conversion of the 95 vacant parcels to commercial or industrial land uses. These proposed uses would have a number of impacts on the area's biological resources. Several of these effects have been determined to be less-than-significant. These less-than-significant impacts include the loss of urban landscape and coyote brush scrub, and impacts to wildlife movements. No special-status plant species will be impacted by the project.

The project may result in significant or potentially significant impacts to several biotic resources. Mitigation measures have been identified that would reduce these impacts to a less-than-significant level.

Development of the currently vacant Rincon parcels, in conjunction with the foreseeable development of the remaining undeveloped land within the north San Jose area, will result in a loss of the majority of habitat for Burrowing Owls and other raptors. This cumulative

habitat loss would be a significant impact. Avoidance or acquisition of nesting and foraging habitat would reduce this impact to a less-than-significant level.

Construction disturbance during the breeding season could result in the incidental loss of the fertile eggs or nestlings of Burrowing Owls or otherwise lead to nest abandonment. Burrowing Owls are resident and likely breed within some of the Rincon parcels. Any loss of fertile eggs or nestlings, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. Preconstruction surveys, in conjunction with either development and implementation of a Burrowing Owl Habitat Preservation and Relocation Plan, avoidance, adjacent habitat preservation, or off-site mitigation will reduce this impact to a less-than-significant level.

Raptors other than Burrowing Owls might breed on the Rincon parcels. Any loss of fertile raptor eggs or raptor nestlings or any activities resulting in raptor nest abandonment, would constitute a significant impact. Preconstruction surveys and avoidance will reduce this impact to a less-than-significant level.

Evidence of pallid and Townsend's bats was not observed during reconnaissance-level surveys, but potential nursery colony habitat exists on several Rincon parcels. If nursery colonies of either species should exist, destruction or disturbances from parcel development that cause colony abandonment would be a significant impact. Preconstruction surveys and implementation of construction buffer zones would reduce this potential impact to a less-than-significant level.

Although formal wetland delineations are beyond the scope of this EIR, parcels with potential jurisdictional wetlands were identified. Loss of any jurisdictional wetland habitat is considered a significant impact. Either avoiding impacts to wetlands or creating additional wetland habitat would reduce this potential impact to a less-than-significant level.

Small islands of remnant cottonwood riparian forest were identified on or near two parcels. Impacts to this remnant riparian forest from parcel development would be significant. Either avoiding impacts to this habitat or creating additional cottonwood riparian forest habitat would reduce this potential impact to a less-than-significant level.

Riparian habitat was identified along the edge of two parcels. Field surveyors were unable to determine whether the property boundaries of these parcels encompassed this riparian vegetation. Impacts to this riparian habitat from parcel development would be significant. Either avoiding impacts to this habitat or creating additional riparian habitat would reduce this potential impact to a less-than-significant level.

Small islands of remnant sycamore riparian woodland were identified on one parcel. Impacts to this remnant riparian woodland from parcel development would be significant. Either avoiding impacts to this habitat or creating additional sycamore riparian woodland habitat would reduce this potential impact to a less-than-significant level.

The Guadalupe River and Coyote Creek run along the boundaries of several Rincon parcels. Development of these parcels could adversely affect the respective riparian corridors by allowing development to encroach upon riparian corridors. Such encroachment would be considered a significant impact to the Guadalupe River and Coyote Creek Riparian Corridors. Avoiding development within the corridor, minimizing development impacts to the riparian corridor, avoiding landscaping with invasive exotic species, and creating replacement riparian habitat, if necessary, would reduce this potential impact to a less-than-significant level.

Redevelopment of the Rincon parcels having ordinance-sized trees may result in a loss of those trees. The loss of these trees would be a significant impact. Avoiding the loss of these trees or developing a restoration/preservation plan, if necessary, would reduce this potential impact to a less-than-significant level.

The adoption and successful implementation of the mitigation measures identified in the EIR should mitigate all project impacts to biotic resources to a less-than-significant level. Therefore, if these mitigations are implemented, there would be no significant unavoidable impacts from the project.

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ENVIRONMENTAL SETTING

PROJECT DESCRIPTION

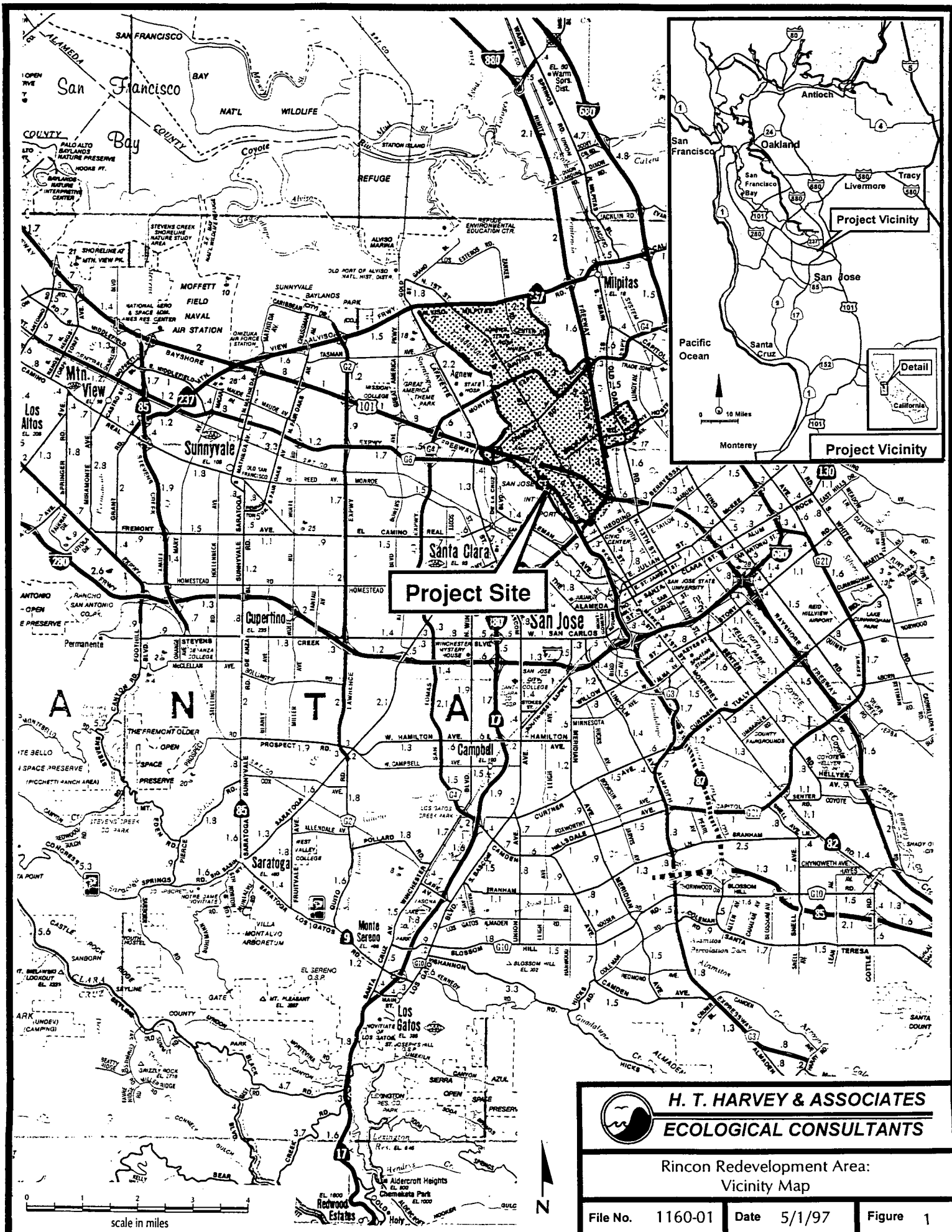
The Rincon de los Esteros Redevelopment Project ("Rincon") proposes the urbanization and development of the north San Jose area in accordance with the San Jose General Plan. The majority of remaining undeveloped land within the project area is designated for commercial and/or industrial uses. Although five development scenarios of the Rincon area are under consideration, all of the scenarios call for complete development of the parcels evaluated by this EIR. The biotic impacts of the five scenarios are not expected to vary significantly from one another. Accordingly, this EIR does not treat them separately.

GENERAL PROJECT AREA DESCRIPTION

The project area is located within the City of San Jose, Santa Clara County, California (Figure 1). The approximately 4,660 acre project area is located south of State Route 237, generally east of the Guadalupe River, west of Coyote Creek and Interstate 880, and north of Interstate 880 (several sites occur just outside of these general boundaries). The project is situated in the northern portion of the Santa Clara Valley, approximately one mile south of the San Francisco Bay. The areas under study constitute relatively level terrain. The project boundaries encompass land devoted to a variety of uses, including roads, housing, commercial structures, agriculture, and public facilities. Site elevations range from approximately 10 to 85 feet National Geodetic Vertical Datum (NGVD).

According to the 1965 County of Santa Clara/Soil Conservation aerial photograph/soils map, the soils within the project boundaries include the Campbell, Cropley, Mocho, Pacheco, Sunnyvale, and Willows series (Soil Conservation Service 1968). These soils range from neutral to mildly alkaline or calcareous and are primarily of fans, benches, and alluvial plains. Willows soil series are listed as hydric soils according to the National Technical Committee for Hydric Soils (SCS 1991). The local office of the Natural Resource Conservation Service (NRCS), formerly known as the Soil Conservation Service, lists Willows soils as hydric (SCS 1992). The average annual rainfall of the region is approximately 15 inches and the mean annual temperature is 58° F.

A mixture of residential, commercial and public uses is located west, south, and east of the project site, and San Jose International Airport lies to the southwest. Lands north of the project site are partially developed for commercial uses. The riparian corridors of the Guadalupe River and Coyote Creek extend along the western and northeastern borders of the project site, respectively.



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Rincon Redevelopment Area:
Vicinity Map

File No.	1160-01	Date	5/1/97	Figure	1

A majority of the land within the project area boundary is already developed. Previous EIRs were prepared for the Redevelopment Project area. The current EIR is an update of those documents. Remaining vacant and/or underdeveloped properties addressed by this EIR are shown in Figure 2. The 95 parcels comprise approximately 365 acres of land categorized by the City of San Jose as "Vacant" and 285 acres of land categorized as "Redevelopable" (Figure 3).

BIOTIC SURVEYS

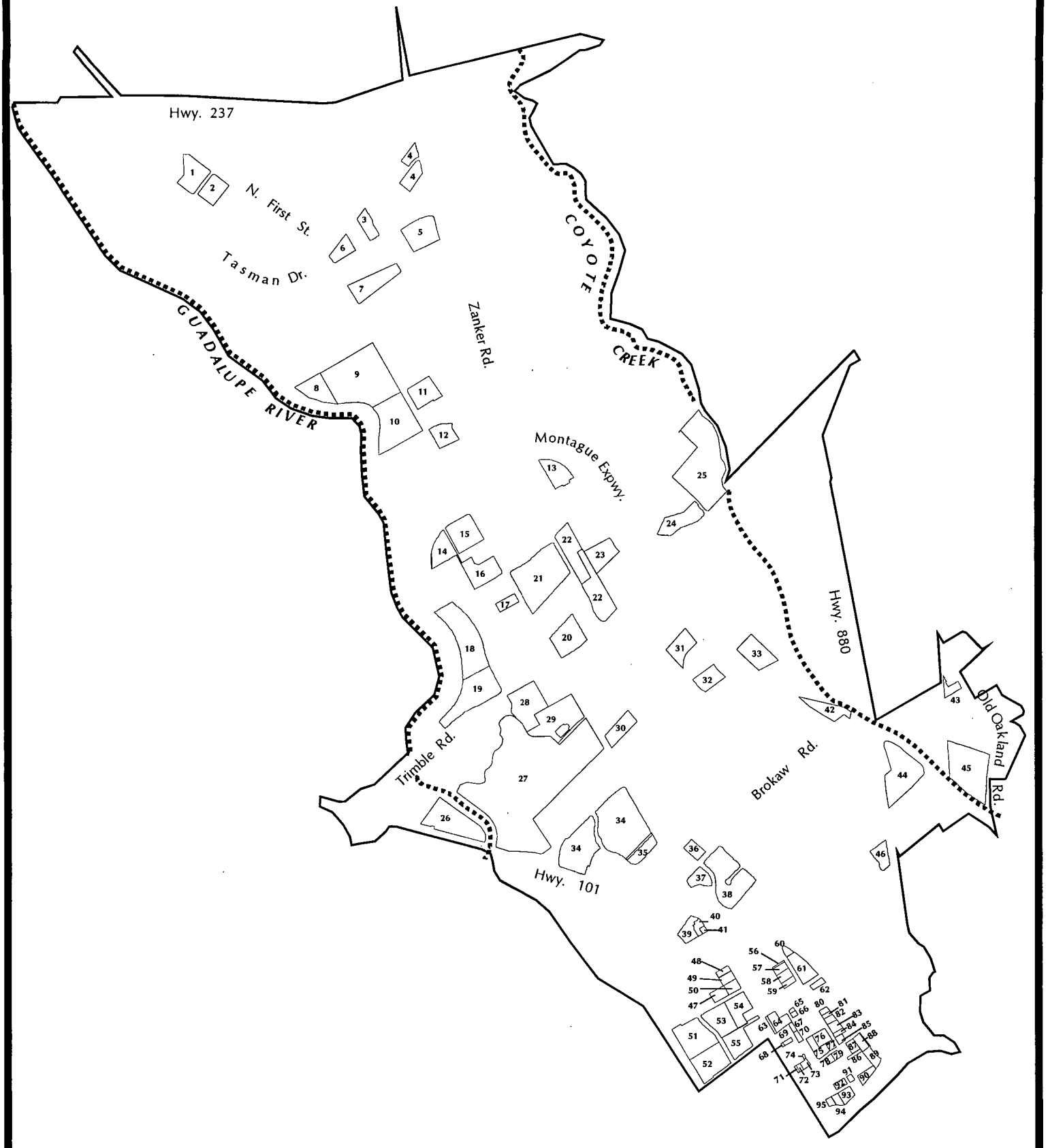
Reconnaissance-level field surveys to identify and map biotic habitats, identify plants and animals found on the parcels, and assess the suitability of the parcels to support special-status plant and animal species were conducted on April 3, 10, 15, 22, 1997. Reconnaissance-level surveys to assess the suitability of the parcels to support Burrowing Owls (*Speotyto cunicularia*) were conducted on April 16-19, 1997. In addition, a reconnaissance-level survey to assess potential bat habitat was conducted on April 28, 1997. A provisional list of vascular plant species observed on the site and a list of potential wildlife species are included in Appendices A and B, respectively.

BIOTIC HABITATS OF THE STUDY AREA

Seven habitat types were identified on site (Table 1). These habitats include agricultural (orchards, row crops, and fallow fields), urban landscape, non-native grassland, coyote brush scrub, seasonal wetland, remnant riparian cottonwood forest, and remnant sycamore riparian woodland. The identification of these habitats was based upon physical characteristics of the site such as soils, hydrology and topography, and upon floristic composition. Where appropriate, the communities have been named according to Holland's system of classification (1986). In addition, Sawyer and Keeler-Wolf (1995) was consulted. The following expanded description of biotic habitats is provided to aid in assessing the value of these areas. In addition to the biotic habitats identified on the Rincon parcels, the Guadalupe River and Coyote Creek flow alongside, but not on, several of the Rincon parcels. A brief description of this riparian habitat is provided below in *Potential Encroachment into the 100 foot Riparian Setback Area of Guadalupe River and Coyote Creek.*

Urban Landscape

Vegetation. Sites that are occupied by commercial buildings, ranch houses, residences, and outbuildings contain a mixture of landscape plants and weeds. The more modern commercial properties possess well-manicured trees, shrubs, and flower beds. In several instances, vacant lots are edged with landscaped berms and beds, especially when proximal to sidewalks and major traffic thoroughfares. Some of the more commonly used landscape



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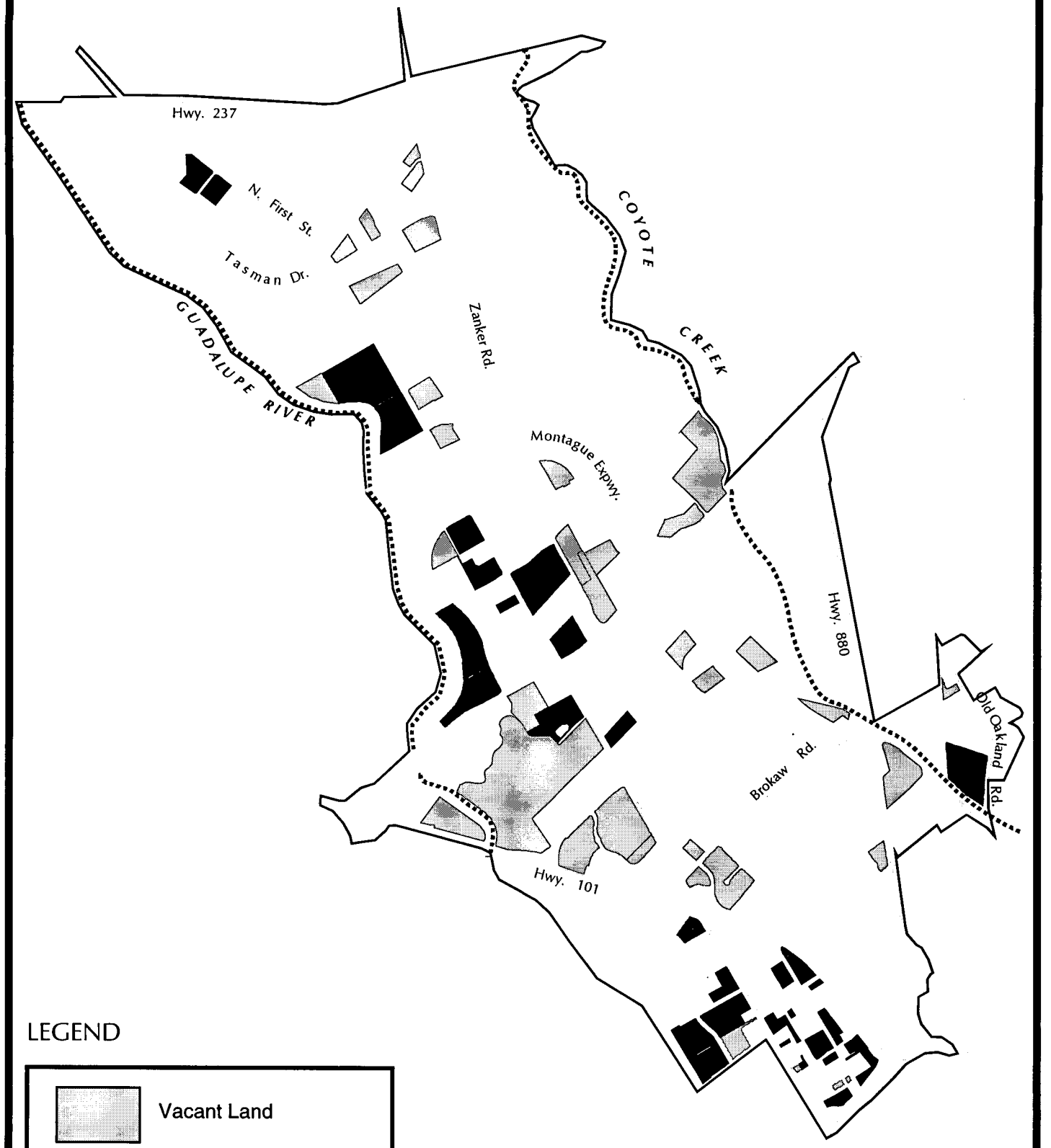
Rincon Redevelopment Area:
Parcels Addressed by Rincon Redevelopment EIR

File No.	1160-01	Date	5/1/97	Figure	2



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Rincon Redevelopment Area:
Parcels Designated as Vacant or Redevelopable

File No.	1160-01	Date	5/1/97	Figure	3

Table 1. Rincon Biotic Habitat Percentages by Parcel (percentages were estimated).

Parcel Number	City of San Jose I.D. No.	*	Acres	Urban Landscape	Fallow Fields/ Orchards/Ruderal	Non-Native Grassland	Coyote Brush Scrub	Seasonal Wetland	Remnant Rip. Cottonwood	Sycamore Riparian
1	RD6	R	7.51	100						
2	RD7	R	5.26	100						
3	048 11I	V	3.5		100					
4	048 11J	V	5.69		100					
5	048 11K	V	9.31		100					
6	04811L	V	3.86		100					
7	048 12D	V	9.27		95			5		
8	047 16A	V	6.88			10	10	80		
9	RD2	R	32.60	100						
10	RD1	R	18.45	100						
11	048 13F	V	6.74		100					
12	048 13E	V	5.14	100[1]						
13	051 13C	V	6.34		100					
14	046 3	V	6.05		100					
15	RD8	R	9.24	100						
16	RD9	R	8.24	100						
17	RD10	R	2.15	100						
18	RD11	R	18.50	98					2	
19	RD12	R	15.18	100						
20	RD3	R	9.15	100						
21	RD 4	R	22.94	100						
22	R77	V	19.85	30	65			5[2]		
23	051 14D	V	6.94		100					
24	051 8C	V	8.72	10	90					
25	051 7E	V	32.71	10	90					
26	045 4	V	14.69			95			5	

Table 1. Rincon Biotic Habitat Percentages by Parcel (percentages were estimated).

Parcel Number	City of San Jose I.D. No.	*	Acres	Urban Landscape	Fallow Fields/ Orchards/Ruderal	Non-Native Grassland	Coyote Brush Scrub	Seasonal Wetland	Remnant Rip. Cottonwood	Sycamore Riparian
27	045 1J	V	104.40		100					
28	045 3A	V	10.59		100					
29	RD5	R	14.23	100						
30	RD14	R	5.23	100						
31	053 3B	V	5.32	55	40		5			
32	053 3C	V	4.92		100					
33	054 3	V	7.43		100					
34	045 1F	V	42.05		100					
35	045 5B	V	4.45		100					
36	052 4	V	2.41		100					
37	057 2	V	3.27		100					
38	057 1F	V	16.75		100					
39	S6	R	3.37	100						
40	S7	R	1.18	100						
41	S4	R	0.40	100						
42	055 16	V	5.38		99[3]		1		4	
43	489 17	V	1.79	10	90					
44	476 7	V	15.79		85		5			10
45	RD13	R	18.59	100[4]						
46	056 3	V	1.38		100					
47	S1	R	1.97	100						
48	S3	R	0.87	100						
49	S5	R	1.46	100						
50	S2	R	1.67	100						
51	S47	R	11.33	100						
52	S48	R	9.64	100						
53	S8	R	7.45	100						

Table 1. Rincon Biotic Habitat Percentages by Parcel (percentages were estimated).

Parcel Number	City of San Jose I.D. No.	*	Acres	Urban Landscape	Fallow Fields/ Orchards/Ruderal	Non-Native Grassland	Coyote Brush Scrub	Seasonal Wetland	Remnant Rip. Cottonwood	Sycamore Riparian
54	S42	R	5.87	100						
55	044 3	V	6.58		100					
56	S9	R	0.29	100						
57	S10	R	1.10	100						
58	S11	R	1.42	100						
59	S44	R	0.93	100						
60	S45	R	0.74	100						
61	S32	R	4.97	100						
62	S31	R	0.96	100						
63	S19	R	0.53	100						
64	S14	R	2.97	100						
65	S23	R	0.22	100						
66	S22	R	0.29	100						
67	S15	R	0.50	100						
68	S12	R	0.08	100						
69	S13	R	0.35	100						
70	S16	R	0.57	100						
71	V1	V	0.21		100					
72	V2	V	0.30		100					
73	S18	R	0.64	100						
74	S17	R	0.09	100						
75	S21	R	2.51	100						
76	S24	R	2.15	100						
77	S20	R	0.65	100						
78	S33	R	0.72	100						
79	S43	R	0.57	100						
80	S30	R	0.55	100						

Table 1. Rincon Biotic Habitat Percentages by Parcel (percentages were estimated).

Parcel Number	City of San Jose I.D. No.	*	Acres	Urban Landscape	Fallow Fields/ Orchards/Ruderal	Non-Native Grassland	Coyote Brush Scrub	Seasonal Wetland	Remnant Rip. Cottonwood	Sycamore Riparian
81	S29	R	0.44	100						
82	S28	R	0.77	100						
83	S27	R	1.25	100						
84	S26	R	0.62	100						
85	S25	R	0.70	100						
86	S38	R	0.49	100						
87	S39	R	1.16	100						
88	S46	R	1.55	100						
89	S40	R	2.14	100						
90	S37	R	1.61	100						
91	V3	V	0.42		100					
92	058 5	V	0.90		100					
93	S36	R	1.81	100						
94	S35	R	0.93	100						
95	S34	R	0.62	100						

* V=Designated Vacant, R=Designated Redevelopable

[1] Site under construction: grading in progress.

[2] Probably exempt from Federal regulation under current form of land use.

[3] Land currently contains large rocks and equipment. Coyote Creek riparian vegetation exists along the edge of this parcel, but may not be enclosed within the property boundaries.

[4] Access to the site was not granted. Assessment based off-parcel observation and an adjacent study (H. T. Harvey & Associates 1996). Coyote Creek riparian vegetation exists along the edge of this parcel, but may not be enclosed within the property boundaries.

trees include coast redwood (*Sequoia sempervirens*), Japanese black pine (*Pinus thunberghii*), Tasmanian blue gum (*Eucalyptus globulus*), and tulip tree (*Liriodendron styraciflua*). Hedges and landscape understory plants are equally conspicuous in the urban landscape. These species include oleander (*Nerium oleander*) and pittosporum (*Pittosporum* spp.). Many buildings are surrounded by plantings of turfgrass, such as bluegrass (*Poa pratensis*), or English ivy (*Hedera helix*).

Wildlife. The urban landscape habitats of the project area support a suite of wildlife species typical of developed areas in Santa Clara County. Most of the species found in this habitat are fairly common species due to heavy management (e.g., irrigation, mowing, trimming trees, etc.), presence of humans, and the abundance of non-native landscaped vegetation. Nonetheless, this habitat does support a variety of wildlife. Several bird species are typical of this type of habitat. A common invasive species is the European Starling *(Sturnus vulgaris*), which presumably nest in trees within the project area. House Sparrows (*Passer domesticus*) typically nest under eaves or in shrubs near human habitation. Other bird species commonly found in these urban landscape habitats within the Rincon area include the American Robin (*Turdus migratorius*), Northern Mockingbird (*Mimus polyglottos*), California Towhee (*Pipilo crissalis*), and House Finch (*Carpodacus mexicanus*). Mammals such as the Virginia opossum (*Didelphis virginiana*), deer mouse (*Peromyscus maniculatus*), raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*) will forage in this habitat, especially if undisturbed habitat is nearby. Raptors, such as the Red-tailed Hawk (*Buteo jamaicensis*) and Barn Owl (*Tyto alba*), may nest and/or roost in the taller trees of the area. Pocket gopher (*Thomomys bottae*) mounds were evident in some landscaped areas.

Agricultural (Orchards, Row Crops, Fallow Fields, and Ruderal)

Vegetation. Relatively large tracts of vacant land are being used for agriculture or have been used in the recent past for crop and fruit production (Table 1). Some of the parcels possess actively- managed apple or apricot orchards while others have orchards that are apparently abandoned. In addition, several properties were cultivated during the past growing season for oats or pasture forage. One ranch is being used for strawberries, blackberries, and fruit tree production. Finally, several of the vacant lots were plowed or disked at the time of the field surveys.

Many of the parcels previously under agricultural production are currently vegetated with non-native, ruderal vegetation. Dominant species found include forbs, such as heart-podded hoary cress (*Cardaria draba*), prickly sow thistle (*Sonchus asper),* common sow thistle (*S. oleraceus*), milk thistle (*Silybum marianum*), Italian thistle (*Carduus pycnocephalus*), field bindweed (*Convolvulus arvensis*), white-leaf filaree (*Erodium moschatum*), cheeseweed (*Malva parviflora*), bull mallow (*M. nicaeensis*), common European grasses, such as wild oats (*Avena fatua*), cultivated oats (*A. sativa*), ripgut grass (*Bromus diandrus*), foxtail barley (*Hordeum jubatum)*, Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), Italian

ryegrass (*Lolium multiflorum*), smilo grass (*Piptatherum mileaceum*), and giant reed (*Arundo donax*), and Himalayan blackberry (*Rubus discolor*).

This habitat designation included two parcels with shallow microdepressions. Parcels 3 and 5 are both nearly flat but punctuated by shallow, relatively small microdepressions that are vegetated with Italian ryegrass (*Lolium multiflorum*) and rabbitsfoot grass (*Polypogon monspeliensis*). Years of farming practice and adjacent development, together with regional alterations in hydrology, have affected surface run-off on these sites.

Wildlife. Due to the absence of frequent tilling or other disturbance, fallow fields, unmaintained orchards, and ruderal vegetation can provide moderate to good habitat for wildlife. California ground squirrels (*Spermophilus beecheyi*), for example, were observed in areas that did not appear to have been recently disked, and gopher mounds were also relatively common in fallow fields. Evidence of burrowing animals is more common in the northern Rincon area. Gopher snakes may forage in the grasses and other annuals for small mammals, including gophers or various species of mice. Western toad (*Bufo boreas*) and Pacific treefrog (*Hyla regilla*) are the most likely amphibians present here. Opossums, raccoons, and birds, such as American Robins, Western Scrub-jays (*Aphelocoma californica*), Cedar Waxwings (*Bombycilla cedrorum*), and Mockingbirds will forage for fruit within old orchards. Other species that may forage over or in these agricultural areas include Red-tailed Hawk, American Kestrel (*Falco sparverius*), Barn Owl, Horned Lark (*Eremophila alpestris*), Loggerhead Shrike (*Lanius ludovicianus*), Western Meadowlark (*Sturnella neglecta*), House Finch (*Carpodacus mexicanus*), Mexican free-tailed bat (*Tadarida brasiliensis*), black-tailed hare (*Lepus californicus*), western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), striped skunk, and red fox (*Vulpes vulpes*). In general, larger expanses of undisturbed fallow agricultural habitat will be utilized by a greater variety of species than smaller, undisturbed agricultural areas surrounded by development.

Where orchards or agricultural fields are routinely disked or plowed for weed control and agricultural operations, the resulting habitat is often of limited value to wildlife. The periodic removal of the herbaceous understory deprives many species of both food and cover, and frequent disturbance discourages breeding and foraging. Birds are best able to utilize frequently disturbed habitats such as disked fields due to their mobility that comes from flight. This mobility allows birds to leave in time of disturbance and to return when conditions are again favorable. For example, Brewer's Blackbirds (*Euphagus cyanocephalus*) were seen foraging for grain in recently disked fields, and Barn Swallows (*Hirundo rustica*) flew overhead foraging for insects.

Non-native Grassland

Vegetation. One of the vacant properties surveyed (Parcel 26) possessed relatively vigorous stands of non-native grassland. The vegetation consisted of rattail fescue (*Vulpia myuros*),

Italian ryegrass (*Lolium multiflorum*), ripgut grass, wild oats, and Mediterranean barley. Native grass species were not observed on these parcels. Other parcels may have supported non-native grassland earlier in the growing season, but recent plowing or disking of these sites has obscured or destroyed preexisting vegetation.

Wildlife. Non-native grassland habitats are generally productive habitats for wildlife, and many wildlife species foraging on the parcel containing non-native grassland will probably also forage in the adjacent agricultural fields. A suite of species similar to those utilizing the agricultural fields would be expected here. Turkey Vultures (*Cathartes aura*), White-tailed Kites (*Elanus caeruleus*), Red-tailed Hawks, American Kestrels, Horned Larks, Western Meadowlarks, opossums, California ground squirrels, gophers, voles, and raccoons probably forage over or in this field. Golden-crowned Sparrows (*Zonotrichia atricapilla*) and White-crowned Sparrows (*Z. leucophrys*) will forage here in the winter. Open, undisturbed habitat is rare in the project area, and thus this parcel provides important foraging habitat for some wildlife species in the area. Furthermore, the nearby Guadalupe River may provide terrestrial wildlife with access to this site. The relatively small size of this habitat, however, and the adjacent airport, freeway, and other development are factors that may limit the number of wildlife species able to utilize this grassland.

Coyote Brush Scrub

Vegetation. In those areas protected from mechanical disturbance, for example along fences or in property corners, coyote brush (*Baccharis pilularis*) occurs. These areas are vegetated with relatively dense thickets up to ten feet high, usually accompanied by a tangled, weedy understory of ripgut grass and other non-native herbs.

Wildlife. Wildlife species commonly associated with this shrub habitat include the western fence lizard (*Sceloporus occidentalis*), southern alligator lizard (*Gerrhonotus multicarinatus*), and in winter, White-crowned and Golden-crowned Sparrows. The small, isolated nature of the pockets of scrub habitat within the project area provide refuge for species that may forage in the adjacent, more open habitats. These species include California Towhees (*Pipilo maculatus*) and Loggerhead Shrikes.

Seasonal Wetlands

Vegetation. All of the sites classified as seasonal wetlands are disturbed and evidently have transitory and seasonal hydrology.

Parcel 7 is underlain by the Hetch Hetchy Aqueduct and is presently a fallow, plowed field. Two perpendicular, but shallow ditched microdepressions exist in an area where the plow did not overturn sod. The bottoms of these two ditches are moist, but not saturated. Algal mats and scum marks on the blades of grass here suggest the site supports seasonal hydrology.

This conclusion is reflected in the dominance of Italian ryegrass and rabbitsfoot grass in these ditches.

Most of Parcel 8 is occupied by the River Oaks Stormwater Detention Facility, operated and managed by the City of San Jose, Department of Public Works, Streets and Traffic Division (M. Mikasa, pers. comm.). This seasonal pond is an engineered and excavated depression, adjacent to the east levee of the Guadalupe River. According to the Design and Construction Division's representative, the pond was dry during two summer visits (Mike Mikasa, pers. comm.). The depression is dominated by tules, specifically California bulrush (*Scirpus californica*) and narrow-leaved cattail (*Typha latifolia*).

Parcel 22 contains unused feed lot improvements, namely historic, excavated, lineal depressions that were used for cattle bedding (Berneace Seimens, pers. comm.). Water collects in the depressions (that are underlain by hydric soil), and must be pumped away by a sump and pump system. When the site was visited, these depressions were moist but not saturated. Algal mats and dried scum marks on the vegetation in these beds, together with low chroma soils and the presence of rabbitsfoot grass, indicate that water collects and persists here.

Wildlife. The seasonal wetland habitats identified in the project area are relatively small and highly disturbed. On Parcel 7, this habitat consists of microdepressions within an agricultural field. The species already present and foraging in the fields will thus also forage within these wetland habitats. Horned Larks, Golden- and White-crowned Sparrows, Lesser Goldfinches (*Carduelis psaltria*), and Mourning Doves (*Zenaida macroura*) are some of the species that might forage on seeds produced by vegetation associated with these wetlands. The cattails and bulrushes growing at the stormwater detention facility on Parcel 8 may attract Red-winged Blackbirds (*Agelaius phoeniceus*) and Song Sparrows (*Melospiza melodia*). Additionally, mammals such as opossum, striped skunk, raccoon, and red fox are likely to forage along the margins of the detention facility.

Remnant Cottonwood Riparian Forest

Vegetation. Two parcels appear to contain sparse riparian vegetation that is considered a remnant of preexisting riparian habitat (Parcels 18, 26; Table 1). A clump of white alder (*Alnus rhomboidea*) was apparent at Parcel 18. This riparian remnant contains an understory of Himalayan blackberry (*Rubus discolor*), ripgut brome, and cheeseweed. Parcel 26 contains a riparian patch with Fremont cottonwood (*Populus fremontii*) as the only overstory species.

Riparian habitat exists along the edge of Parcels 42 and 45, rooted at or near the top of bank. This habitat is not remnant cottonwood riparian, but is riparian vegetation growing contiguous with the existing Coyote Creek riparian corridor. Although the dominant species here are willows (*Salix* sp.) and not cottonwoods, such variations are regarded as stages in

natural plant succession following years of disturbance. Cottonwoods occur nearby, but not on the top of the bank. The understory here consists of Himalayan blackberry and annual ruderal species. Because the exact property boundaries of Parcels 42 and 45 along Coyote Creek could not be determined during site visits (field surveyors could not obtain access to Parcel 45), it is not known whether this riparian habitat is actually on these parcels.

Wildlife. These small remnants of riparian woodland are isolated from larger patches of woodlands and will primarily be used by a variety of small birds. These species include the American Kestrel, Yellow-rumped Warbler (*Dendroica coronata*), Anna's Hummingbird (*Calypte anna*), Allen's Hummingbird (*Selasphorus sasin*), and Western Scrub-jay. Mammals that would use this habitat include opossums, hoary bats (*Lasiurus cinerius*), red bats (*L. blossevillii*), brush rabbits (*Sylvilagus bachmani*), deer mice, voles, red foxes, and raccoons.

Remnant Sycamore Riparian Woodland

Vegetation. Four, mature California sycamore (*Platanus racemosa*) trees with a sparse understory composed of annual weeds such as bull mallow, cheeseweed, and ripgut grass were observed on Parcel 44. The drip-line of these trees is wholly surrounded by a plowed field. Essentially an island of remnant riparian woodland vegetation, these clumps of California sycamores are on the out-board side of the levee and cut-off from the depositional effects of Coyote Creek.

Wildlife. Like the cottonwood forest remnants, this small, remnant sycamore riparian woodland is isolated from larger patches of woodlands and would be utilized by a similar suite of species (see above description).

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES

Information concerning threatened, endangered, or other special-status species that may occur in the area was collected from several sources and reviewed by H. T. Harvey & Associates' biologists. These sources included the Santa Clara County Sensitive Species data base maps (H. T. Harvey & Associates 1984), the California Department of Fish and Game's (CDFG) Natural Diversity Data Base, Rarefind (CNDDB 1996), California Wildlife Habitat Relationships species notes (CDFG 1988, 1990a, 1990b), and miscellaneous information available through the U. S. Fish and Wildlife Service (USFWS), CDFG, and technical publications. The California Native Plant Society's *Inventory of Rare and Endangered Vascular Plants of California* (Skinner and Pavlik 1994) supplied information regarding the distribution and typical habitats of vascular plants in the vicinity.

A search of published accounts on the locations of these species was conducted within the Milpitas and San Jose West Quads (U.S. Geological Survey Topographical Quadrangle

Map), in which the majority of the project site occurs, and in the ten surrounding quads including Newark, Niles, La Costa Valley, Calaveras Reservoir, San Jose East, Santa Teresa Hills, Los Gatos, Castle Rock Ridge, Cupertino, and Mountain View, using CNDDB Rarefind reports (1996). All species listed as occurring in Santa Clara County and occurring on CNPS Lists 1A, 1B, or 2 were reviewed. In addition, CNPS list 4 species known to occur on the project site were also reviewed.

Special-Status Species Regulations Overview

Federal and state endangered species legislation gives several plant and animal species known to occur in the vicinity of the project site special status. In addition, state resource agencies and professional organizations, whose lists are recognized by agencies when reviewing environmental documents, have identified as sensitive some species occurring in the vicinity of the project site. Such species are referred to collectively as "species of special status."

Provisions of the federal Endangered Species Act (FESA) protect federally-listed threatened and endangered species and their habitats from unlawful take. "Take" under FESA includes activities such as "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The USFWS's regulations define harm to include some types of "significant habitat modification or degradation." The U.S. Supreme Court ruled on June 29, 1995, that "harm" may include habitat modification "...where it actually kills or injuries wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering." Activities that may result in "take" of individuals are regulated by the USFWS. The USFWS produced an updated list of candidate species February 28, 1996 (Federal Register: Volume 61, Number 40, 50 CFR Part 17). In addition, the USFWS discontinued the designation of Category 2 and Category 3 species. Candidate species are now species regarded by USFWS as candidates for addition to the "List of Endangered and Threatened Wildlife and Plants." Candidate species are not afforded any legal protection under FESA. However, candidate species typically receive special attention from federal and state agencies during the environmental review process.

Provisions of California's Endangered Species Act (CESA) protect state-listed threatened and endangered species. CDFG regulates activities that may result in "take" of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code. The CDFG, however, has interpreted "take" to include the "killing of a member of a species which is the proximate result of habitat modification ..."

The CDFG has also produced three lists of "species of special concern" that serve as "watch lists." Species on these lists either are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus,

their populations should be monitored. They may receive special attention during environmental review, but do not have statutory protection.

Vascular plants listed as rare or endangered by the California Native Plant Society (Skinner and Pavlik 1994), but which have no designated status under state endangered species legislation, are defined as follows:

- List 1B. Plants rare, threatened, or endangered in California and elsewhere.
- List 2. Plants rare, threatened, or endangered in California, but more numerous elsewhere.
- List 3. Plants about which we need more information - A review list.
- List 4. Plants of limited distribution - A watch list.

Special-Status Plant Species and Their Habitats

H. T. Harvey & Associates biologists conducted reconnaissance-level surveys for special-status plants within the project area on April 3, 10, 15, and 22, 1997. The survey method involved hiking survey areas in a zigzag pattern and driving on established roads throughout the site.

Several plant species that have been given special-status under state and/or federal species legislation are known to occur in the vicinity of the project site. The legal status and likelihood of occurrence of these species within the Rincon area are given in Table 2. Several of the special-status plants known to occur in the vicinity of the project site are found in habitat types that are not present on any of the parcels of the project site. These habitat types include serpentine soils, chaparral, vernal pools, and coastal dunes. Therefore, appropriate habitat for Hamilton thistle (*Cirsium fontinale* var. *campylon*), Contra Costa goldfields (*Lasthenia conjugens*), smooth lessingia (*Lessingia micradenia* var. *glabrata*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*), Santa Clara Valley dudleya (*Dudleya setchellii*), and robust spineflower (*Chorizanthe robusta* var. *robusta*) does not occur on site.

Due both to the lack of appropriate habitat and the highly disturbed condition of the sites (i.e. routine disking for fire protection or agriculture), no special-status plant species are expected to occur within the study parcels. No further surveys for special-status plants are warranted.

Special-status Animal Species of the Site

Parcels addressed by this study were surveyed on April 16, 17, 18, 19, and 29, 1997, for special-status animals. The survey method involved hiking on the parcels and driving established roads throughout the project area.

Table 2. Special-status plant and animal species, their status, and potential occurrence on the Rincon Redevelopment Project Site, San Jose, California.

NAME	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Federal or State Endangered Species			
Longhorn Fairy Shrimp (*Branchinecta longiantenna*)	FE	Occurs in vernal pools.	No suitable habitat on site; site is outside of known range; presumed absent.
Vernal Pool Tadpole Shrimp (*Lepidurus packardi*)	FE	Occurs in vernal pools	No suitable habitat on site; no historic or current records for Santa Clara County; presumed absent.
American Peregrine Falcon *(Falco peregrinus anatum)*	FE, SE, SP	Forages in many habitats; requires cliffs for nesting.	Rare to occasional forager on site; no suitable breeding habitat on site.
Willow Flycatcher *(Empidonax traillii)*	SE	Breeds locally in central valley and mountains; riparian and brushy habitats.	Rare transient.
Federal or State Threatened Species			
Vernal Pool Fairy Shrimp (*Branchinecta lynchi*)	ST	Occurs in vernal pools.	No suitable habitat on site; site is outside of known range; presumed absent.
California Red-legged Frog *(Rana aurora draytoni)*	FT, SP, CSSC	Streams, freshwater pools and ponds with overhanging vegetation.	No suitable habitat on site; the lower Guadalupe River and Coyote Creek channels are outside of the present range of this species.
Bank Swallow (*Riparia riparia*)	ST	Nests in riparian and other lowland habitats; requires vertical banks/cliffs with fine/sandy soils.	No suitable habitat on site; presumed absent.
Federal or State Candidate Species			
California Tiger Salamander *(Ambystoma californiense)*	FC, CSSC	Vernal or temporary pools in annual grasslands, or open stages of woodlands.	No suitable habitat on site; presumed absent.
California Species of Special Concern			
Chinook Salmon (Oncorhynchus tshawytscha)	CSSC	Found only in streams that reach the ocean; require shallow, partly shaded pools, riffles,and runs with temperatures <58° F for developing embryos.	Known to occur in lower Guadalupe River and Coyote Creek, but instream barriers limit migration to the upper watershed.
Steelhead Rainbow Trout (Oncorhynchus mykiss)	FPE (Central Coast ESU)	Juvenile steelhead remain in freshwater streams for one to two seasons; adults untilize streams for spawning.	Known to occur in lower Guadalupe River and Coyote Creek, but instream barriers limit migration to the upper watershed.
Western Spadefoot Toad *(Scaphiopus hammondii)*	CSSC	Grasslands with temporary pools.	Presumed absent. No historic or current records for Santa Clara County.
Foothill Yellow-legged Frog *(Rana boylii)*	CSSC	Rocky streams in a variety of habitats. Found in coast ranges.	No suitable habitat on site; presumed absent.
Western Pond Turtle *(Clemmys marmorata)*	CSSC	Permanent or nearly permanent water in a variety of habitats.	No suitable habitat on site; however, occurs off-site in Guadalupe River and Coyote Creek.
Northern Harrier *(Circus cyaneus)*	CSSC	Forages in open to herbaceous stages of many habitats.	Transient and winter visitor.
Ferruginous Hawk (*Buteo regalis*)	CSSC	Open grasslands and agricultural fields.	Possibly a rare winter visitor or migrant.
Sharp-shinned Hawk *(Accipiter striatus)*	CSSC	Uses many habitats in winter and migration.	Migrant and winter visitor.

Table 2. Special-status plant and animal species, their status, and potential occurrence on the Rincon Redevelopment Project Site, San Jose, California.

NAME	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Cooper's Hawk *(Accipiter cooperi)*	CSSC	Uses many habitats in winter and migration.	Marginal breeding habitat on site; transient and winter visitor.
Golden Eagle *(Aquila chrysaetos)*	CSSC	Breeds in cliffs or in large trees or structures.	Potential forager on site; no known nest on site.
Merlin *(Falco columbarius)*	CSSC	Uses many habitats in winter and migration.	Occasional forager during migration and winter.
Prairie Falcon *(Falco mexicanus)*	CSSC	Open grasslands.	Possibly a rare visitor.
Burrowing Owl *(Speotyto cunicularia)*	CSSC	Flat open grasslands.	Suitable habitat on site; owls observed during surveys in 1997.
Long-billed Curlew *(Numenius americanus)*	CSSC	Grasslands, agricultural fields, and wetlands.	Occasional visitor.
California Gull *(Larus californicus)*	CSSC	Utilizes a variety of habitats including wetlands, agricultural fields, landfills, and pooled rainwater.	Common, but no breeding areas.
Vaux's Swift *(Chaetura vauxi)*	CSSC	Breeds in north coast or mountain forests.	Occasional migrant.
California Horned Lark *(Eremophila alpestris actia)*	CSSC	Short-grass prairie, annual grasslands, coastal plains, open fields.	Suitable breeding habitat on site; migrant and winter visitor.
Loggerhead Shrike *(Lanius ludovicianus)*	CSSC	Open brushy habitats.	Fairly common resident; breeding habitat on site.
California Yellow Warbler *(Dendroica petechia brewsteri)*	CSSC	Breeds in riparian woodland and meadow edges; migrants use a variety of habitats.	Migrant.
Saltmarsh Common Yellowthroat (Geothlypis trichas sinuosa)	CSSC	Fresh and brackish water marshes; thick foraging cover; breeds in tall grass, tules, willows.	No suitable breeding or foraging habitat on site; presumed absent.
Yellow-breasted Chat *(Icteria virens)*	CSSC	Dense riparian habitat.	No appropriate habitat. Chats are uncommon and local, primarily in southern Santa Clara County.
Tricolored Blackbird *(Agelaius tricolor)*	CSSC	Breeds near fresh water in dense emergent vegetation.	Transient, winter visitor; could nest in overgrown fields, but unlikely.
Townsend's Big-eared Bat *(Plecotus townsendii)*	CSSC	Roosts in buildings, caves, and mine tunnels in a variety of habitats.	Potential forager; potential roosting habitat in old buildings on site.
California Mastiff Bat *(Eumops perotis californicus)*	CSSC	Forages over many habitats, requires tall cliffs or buildings for roosting.	Potential forager; roosting habitat unlikely on site.
Pallid Bat *(Antrozous pallidus)*	CSSC	Forages over many habitats; roosts in building attics and walls, rocky crevices and caves.	Potential forager; potential roosting habitat in old buildings on site. Old buildings provide potential nursery sites
American Badger *(Taxidea taxus)*	CSSC	Found in many open habitats, lives in burrows.	No suitable habitat on site; presumed absent.
State Protected Species or CNPS Species			
Alkali milk-vetch (*Astragalus tener* var. *tener*)	CNPS 1B	Playas; valley and foothill grasslands; vernal pools.	Sites are too disturbed; presumed absent.

Table 2. Special-status plant and animal species, their status, and potential occurrence on the Rincon Redevelopment Project Site, San Jose, California.

NAME	STATUS	HABITAT	POTENTIAL FOR OCCURRENCE ON SITE
Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*)	CNPS 1B	Cismontane woodland and coastal scrub under 5000 feet.	No suitable plant communities occur in the Rincon area; presumed absent.
Fragrant fritillary (*Fritillaria liliacea*)	CNPS 1B	Coastal prairie and scrub, valley and foothill grassland; often serpentine seeps.	No suitable substrate or plant communities occur in the Rincon area; presumed absent.
Congdon's tarplant (*Hemizonia parryi* ssp. *congdonii*)	CNPS 1B	Valley and foothill grasslands to about 550 feet; alkaline soils.	Sites are too disturbed; presumed absent.
White-tailed Kite (*Elanus caeruleus*)	SP	Forages in open to herbaceous stages of many habitats.	Potential breeding habitat on site, common forager.
Ringtail (*Bassariscus astutus*)	SP	Prefers riparian and heavily wooded habitats near water.	Marginally suitable habitat along Guadalupe River and Coyote Creek.

SPECIAL STATUS SPECIES CODE DESIGNATIONS

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

Several of the special-status animal species occurring in the vicinity of the project site breed and forage in habitat types that are not present on any of the parcels of the project site. Habitat types absent from the site include saline and brackish marsh. Thus, species requiring these habitat types, such as California Black Rail (*Laterallus jamaicensis coturniculus*), California Clapper Rail (*Rallus longirostris obsoletus*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), and salt marsh harvest mouse (*Reithrodontomys raviventris*), are not expected to occur on-site.

Table 2 lists the potential special status wildlife species, their status, and their potential for occurrence on the site. Expanded descriptions are included of only those species for which potentially suitable breeding habitat occurs on the project site, for which surveys were conducted, or for which the resources agencies have expressed particular concern.

Federal or State Threatened Species

California Red-legged Frog (*Rana aurora draytonii*). Federal listing status: Threatened; State listing status: Species of Special Concern. The USFWS listed the California red-legged frog as federally threatened on May 23, 1996. The red-legged frog is a medium-sized frog with reddish-colored legs. This species is generally restricted to riparian habitats in California and northern Baja California. Red-legged frogs prefer deep, quiet pools (greater than 3 feet deep) in creeks, rivers, or lakes below 1,000 meters in elevation (about 3,000 feet). Habitat requirements include fresh emergent or dense riparian vegetation, especially willows adjacent to shorelines. Red-legged frogs can survive in seasonal bodies of water that are dry for short periods if a permanent water body or dense vegetation stands are nearby.

The adults are normally active at night and breed in ponds and creeks or in marshes during the late winter or early spring after waters recede. Females attach eggs in a single cluster to a vegetation brace just under the surface of the water. The eggs hatch in just over a week and the resulting larvae feed on plant and animal material on the bottom of the pond. It takes at least four months for the larvae to metamorphose into juvenile frogs.

Analysis of known locality records for California red-legged frogs reveals that the species has essentially disappeared from the urbanized lowland areas of the county, including the lower Guadalupe River and Coyote Creek. Extant riparian habitats within this region are largely channelized or contain a wide variety of introduced predatory fishes and bullfrogs. Additionally, no suitable red-legged frog habitat exists on the Rincon parcels.

California Species of Special Concern or State Protected

White-tailed Kite (*Elanus caeruleus*). Federal listing status: None; State listing status: Protected. This species prefers habitats with low ground cover and variable tree growth. Kite nests are built near the tops of oaks, willows, or other dense broad-leafed deciduous trees in partially cleared or cultivated fields, grassy foothills, marsh, riparian, woodland, and savanna. Kites prey primarily on small rodents (especially the California vole), but also feed

on birds, insects, reptiles, and amphibians. When prey is abundant these birds may rear two broods in a single breeding season. Once considered endangered, the kite is now fairly common, though fully protected, in the state of California. Suitable breeding habitat exists in the taller trees on site, although no nests have been observed on the Rincon parcels. White-tailed Kites have been observed foraging on site.

Cooper's Hawk (*Accipiter cooperii*). Federal listing status: None; State listing status: Species of Special Concern. The Cooper's Hawk is a larger accipiter than the Sharp-shinned Hawk and thus, this species can prey upon medium-sized birds (e.g., jays, doves, and quail) and occasionally takes small mammals and reptiles. The Cooper's Hawk prefers landscapes where wooded areas occur in patches and groves, which facilitates the ambush hunting tactics employed by this species. Breeding pairs in California prefer nest sites within dense stands of live oak woodland or riparian areas and prey heavily on young birds during the nesting season. The predominance of landscaped trees limits nesting opportunities for this raptor; however, it is a possible breeding species on site. It is expected to forage on site.

Burrowing Owl (*Speotyto cunicularia*). Federal listing status: none; State listing status: Species of Special Concern.

Background. The Burrowing Owl is a small, terrestrial owl of open country. These owls prefer annual and perennial grasslands, typically with sparse or nonexistent tree or shrub canopies. In California, Burrowing Owls are found in close association with California ground squirrels. Owls use the abandoned burrows of ground squirrels for shelter and nesting.

Burrowing Owl populations are thought to be declining throughout much of their range in the United States (Rich 1984) and in Canada (Ratcliff 1986, Johnsgard 1988). Loss of habitat (Zarn 1974) and campaigns against the burrowing mammals upon which Burrowing Owls depend for nesting habitat (Butts 1973, Zarn 1974) are suspected causes of this decline. In California, the Burrowing Owl has been designated as a Species of Special Concern, due to diminishing habitats and concurrent population declines (California Department of Fish and Game 1995). The Bay Area Burrowing Owl population is estimated to have lost 61% of nesting colonies since the late 1980's. In 1992, the California population was estimated at 9,266 pairs (Z. Ruhlen, pers. comm.), with the majority (ca. 6,571 pairs) occurring in the Imperial Valley. The South Bay region (from San Mateo on the Peninsula and Alameda County on the East Bay) supports the state's fourth largest discrete population, estimated at 165 pairs in 1992 (Z. Ruhlen, pers. comm.). Burrowing Owls are colonially-nesting raptors, and colony size is indicative of habitat quality. Colony size is also positively correlated with annual reuse by breeding Burrowing Owls.

Methods. Reconnaissance-level habitat evaluations of all the Rincon parcels were conducted from April 16 through 19, 1997. To identify habitats of value to Burrowing Owls in the Rincon area, parcels identified in the study plan were scored based on several criteria, then ranked. These criteria included nesting habitat quality, foraging habitat quality, and

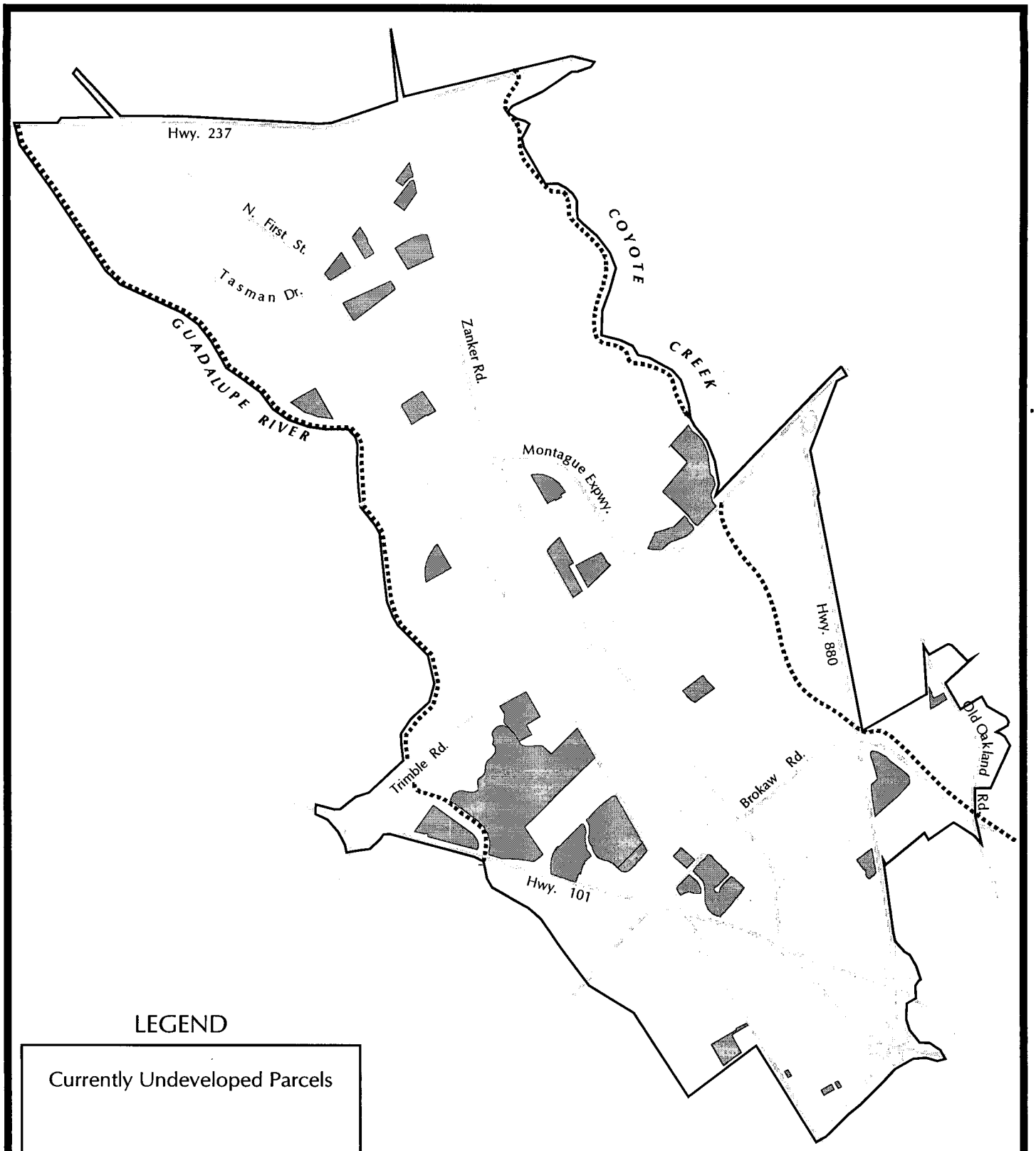
prevalence of California ground squirrels. To minimize inter-observer variation in ranking parcels, a single observer assigned scores. Parcels that had been developed, and were thus of no value as habitat, were scored a zero. Parcels that remained undeveloped, yet had none of the habitats preferred by either Burrowing Owls or California ground squirrels were scored to rank as "potential." Because many of the parcels had been routinely disked (and thus appeared similar), the scores assigned to those parcels that were occupied by Burrowing Owls presently or since the parcel was last human-altered (other than disking) were elevated to the highest ranking for both nesting and foraging habitat.

Results. Ninety-five parcels were identified by the City as "Redevelopable" and "Vacant" (Figure 3); a few of the parcels identified as "vacant" have actually been developed. These classifications were further defined to exclude from consideration those parcels that had been developed, and thus were of no value as Burrowing Owl habitat. Sixty-five such parcels (68%) that were classed as either redevelopable or vacant had been developed, removing an area of 306.5 acres (47.2% of the total) from consideration. A total of 29 parcels, spanning an area of 341.6 acres remained "Vacant," and thus were potentially available as habitat for Burrowing Owls (Figure 4).

Discussion. Population constancy (annual site reuse) by Burrowing Owls is largely a function of two factors: 1) California ground squirrel populations and 2) Burrowing Owl nesting group size. California ground squirrels essentially create and maintain Burrowing Owl habitat. Ground squirrels provide nesting and refuge burrows, and maintain short vegetation height, which provides visual protection from avian predators and foraging habitat. In the absence of ground squirrel populations, habitats soon become unsuitable for occupancy by owls. Burrowing Owls are semi-colonial nesters, and group size is the single largest factor contributing to site constancy by breeding Burrowing Owls (Z. Ruhlen and J. Buchanan, pers. comm.).

As habitat parcels become surrounded by human developments and are increasingly fragmented and isolated within human environments, they become increasingly inhospitable to breeding Burrowing Owls. Thus, parcels in the less developed northern portion of the study area probably represent the highest quality habitats. At present, the largest concentrations of breeding Burrowing Owls are also in the northern portion of the study area. Thus, preservation of parcels in this region would probably best enhance site constancy by Burrowing Owls by contributing to existing nesting group size. All vacant parcels, however, provide potential foraging or nesting habitats for Burrowing Owls and other raptors.

California Horned Lark (*Eremophila alpestris actia*). Federal listing status: None; State listing status: Species of Special Concern. Grinnell and Miller (1944) list 13 subspecies of Horned Lark in California. One of these subspecies, the California Horned Lark, is currently a California Species of Special Concern. This subspecies is a widespread breeder along the coast and in the Central Valley of California, and it represents the only subspecies that breeds in the general region of the site. This species may breed in suitable habitat on the site. Several other subspecies of Horned Lark occur in the region during



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ECOLOGICAL CONSULTANTS

Rincon Redevelopment Area:
Currently Undeveloped Parcels

File No.	1160-01	Date	5/1/97	Figure	4

migration and winter. However, it is not possible to identify these birds to subspecies without collecting them.

The non-native grassland that covers one Rincon parcel and fallow agricultural fields provides suitable nesting habitat for the California Horned Lark. Therefore, it is possible that this species breeds on site.

Loggerhead Shrike (*Lanius ludovicianus*). Federal listing status: None; State Listing Status: Species of Special Concern. In approximately the last 20 years, some populations of the Loggerhead Shrike have declined significantly. These populations are primarily in eastern North America. Other populations, however, including those in western North America, appear to be decreasing as well. In California, Loggerhead Shrikes are still considered a fairly common species. Shrikes generally build their nests in dense shrubs or bushes in open areas.

Several areas within Rincon support a sufficiently dense understory of herbaceous vegetation, which would provide appropriate nesting substrate for this species. Therefore, Loggerhead Shrikes may breed on site.

Pallid Bat (*Antrozous pallidus pacificus*). Federal listing status: None; State listing status: Species of Special Concern. Pallid bats are pale to light brown in color, and, at about 24 grams, the Pacific race is one of the state's largest bats. These coastal colonies commonly roost in deep crevices in rocky outcroppings, in buildings, under bridges, and in hollow trees. Colonies can range from a few individuals to over a hundred. Some female/young colonies use their day roost for their nursery as well as a hibernacula, while other colonies migrate locally on a seasonal basis. Although crevices are important for day roosts, night roosts often include open buildings, porches, garages, highway bridges, and mines. Pallid bats may travel up to several miles for water or foraging sites if roosting sites are limited. Pallid bats prefer foraging on terrestrial arthropods in dry open grasslands near water and rocky outcroppings or old structures. They may also occur in oak woodlands and at the edge of redwood forests along the coast. This species may forage on open fields and roost in old buildings in the northernmost Rincon parcels.

Townsend's Big-eared Bat (*Plecotus townsendii*). Federal listing status: None; State listing status: Species of Special Concern. This once common bat is now considered uncommon in the state. This species may occur in rural buildings (especially in coastal areas), in woodlands, or in xeric environments. Townsend's big-eared bats are particularly sensitive to human disturbance and will abandon a traditional summer or nursery roost if disturbed. This species may occur on abandoned buildings within Rincon, as some of the attics, walls, and roofs of old buildings may provide suitable roosting sites.

REGULATED HABITATS AND RESOURCES

Regulated habitats and resources potentially occur on some of the Rincon redevelopment area parcels. Table 3 provides a summary by parcel of the potential presence of biotic resources, including jurisdictional waters, riparian habitat, and ordinance-size trees.

Waters of the United States and Fish and Game Code 1603

Regulations Overview. Areas meeting the regulatory definition of "Waters of the U.S." are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). The USACE, under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over "Waters of the U.S." These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as "Waters of the U.S.", tributaries of waters otherwise defined as "Waters of the U. S.", the territorial seas, and "special aquatic sites" known as wetlands adjacent to "Waters of the U.S." (33 C.F.R. § 328.3(a)).

Areas not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (33 CFR, Part 328). If the land use of a parcel changes however, and such artificial water bodies possess features that support wetland function and value due to abandonment, the USACE may elect to regulate them.

Agricultural lands that satisfy the criteria as "prior converted croplands," as defined by the NRCS (National Food Security Act Manual 1988, Section 512.15), are not subject to regulation under Section 404. "Prior converted croplands" are defined as wetlands that were both manipulated (drained or otherwise physically altered to remove water from the land) and cropped before December 23 1985, to the extent that they no longer exhibit important wetland values. To qualify as "prior converted croplands," the lands must not be inundated for more than 14 consecutive days during the growing season.

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

Table 3. Summary of Potential Biotic Resource Issues Identified on the Rincon Redevelopment Project Parcels.

Parcel Number	City of San Jose I.D. No.	Undev. Land	Adjacent Rip. Corridor	Wetland Indications	Riparian	Ordinance Trees	Abandoned Structures
1	RD6						
2	RD7						
3	048 11I	X					
4	048 11J	X					
5	048 11K	X					
6	048 11L	X					
7	048 12D	X		X			X
8	047 16A	X	X	X			
9	RD2		X			X	
10	RD1		X				
11	048 13F	X					
12	048 13E						
13	051 13C	X				X	
14	046 3	X					
15	RD8						
16	RD9						
17	RD10						
18	RD11		X		X		
19	RD12		X				
20	RD3					X	
21	RD4					X	
22	R77	X		X		X	X
23	051 14D	X					
24	051 8C	X					X
25	051 7E	X	X			X	X
26	045 4	X	X		X		
27	045 1J	X	X				
28	045 3A	X					
29	RD5						
30	RD14						
31	053 3B						X
32	053 3C	X					
33	054 3	X					
34	045 1F	X					
35	045 5B	X					
36	052 4	X					

Table 3. Summary of Potential Biotic Resource Issues Identified on the Rincon Redevelopment Project Parcels.

Parcel Number	City of San Jose I.D. No.	Undev. Land	Adjacent Rip. Corridor	Wetland Indications	Riparian	Ordinance Trees	Abandoned Structures
37	057 2	X					
38	057 1F	X					
39	S6						
40	S7						
41	S4						
42	055 16		X		X		
43	489 17	X					
44	476 7	X	X		X	X	
45	RD13		X		X		
46	056 3	X					
47	S1					X	
48	S3						
49	S5						
50	S2						
51	S47		X				
52	S48		X				
53	S8					X	
54	S42						
55	044 3	X					
56	S9						
57	S10						
58	S11						
59	S44						
60	S45						
61	S32						
62	S31						
63	S19						
64	S14						
65	S23						
66	S22						
67	S15						
68	S12						
69	S13						
70	S16						
71	V1	X					
72	V2	X					
73	S18						

Table 3. Summary of Potential Biotic Resource Issues Identified on the Rincon Redevelopment Project Parcels.

Parcel Number	City of San Jose I.D. No.	Undev. Land	Adjacent Rip. Corridor	Wetland Indications	Riparian	Ordinance Trees	Abandoned Structures
74	S17						
75	S21						
76	S24						
77	S20						
78	S33						
79	S43						
80	S30						
81	S29						
82	S28						
83	S27						
84	S26						
85	S25						
86	S38						
87	S39						
88	S46						
89	S40					X	
90	S37						
91	V3	X					
92	058 5	X					
93	S36						
94	S35						
95	S34						

Similarly, activities that result in the diversion or obstruction of the natural flow of a stream, or substantially change its bed, channel or bank, or utilize any materials (including vegetation) from the streambed require that the project applicant enter into a Streambed Alteration Agreement with CDFG, under sections 1601-1603 of the California Fish and Game Code. The CDFG potentially extends the definition of stream to include "intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams (USGS), and watercourses with subsurface flows. Canals, aqueducts, irrigation ditches, and other means of water conveyance can also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife" (CDFG 1994).

Results. Wetlands (so-called "special aquatic sites") potentially exist on some of the Rincon parcels (Table 3). The full extent of jurisdictional waters on the Rincon parcels can only be determined after completion of wetland delineations following the procedures outlined in the USACE manual (Environmental Laboratory 1987). The present study is a reconnaissance-level wetland assessment and not a wetland delineation.

Based on a cursory review of these sites, wetland indications found include mapped hydric soils, field observations of low chroma, indirect evidence of hydrology (topographic position, scum marks, mud cracks, ribbon-forming, fine-textured soils, mottling in upturned plowed clods of soil, and concretions), and the prevalence of hydrophytes (toad rush, prickly ox-tongue, Italian ryegrass and rabbitsfoot grass).

The Guadalupe River and Coyote Creek are "Waters of the United States." The Ordinary High Water Mark (OHWM), is situated away from the edges of the study parcels. Levees and chain-link fences separate the Rincon redevelopment and planning parcels from these jurisdictional waters. In most instances the OHWM is located in the right-of-ways controlled by the Santa Clara Valley Water District, areas outside the scope of this EIR.

Parcel 7, described above, displayed wetland indications. The jurisdictional boundaries of this area can only be confirmed upon completion of a wetland delineation following the procedures outlined in the USACE manual (Environmental Laboratory 1987). Should the land use of Parcel 8 change, this pond may be regulated as a jurisdictional water. The same may be true of the man-made depressions on Parcel 22.

No areas subject to CDFG jurisdiction under sections 1600 et seq. of the Fish and Game Code were identified anywhere within the parcels of the Rincon redevelopment project area. The top of bank of the Guadalupe River and Coyote Creek occur away from the subject parcel edges and fall within the right-of-ways managed by the Santa Clara Valley Water District. The remnant riparian woodlands identified on the Rincon parcels are outside of CDFG jurisdiction.

City of San Jose Riparian Policy

The City of San Jose has developed riparian policy which is relevant to planning and development under the General Plan (City of San Jose 1994). The policy addresses several issues that relate to the identification, management, and protection of riparian resources within the City's Urban Service Area. For example, the riparian corridor policy study:

- defines riparian corridor,
- inventories and describes biotic resources,
- identifies existing public and quasi-public lands adjacent to corridors,
- identifies future flood control activities,
- outlines guidelines that protect biotic resource values when development occurs near corridors, and
- defines measures for development of recreational facilities along corridors.

The Riparian Policy indicates that "development adjacent to riparian habitats should be set back 100 feet from the outside edge of the riparian habitat (or top of bank) whichever is greater." Development on those parcels that abut the defined corridors of Coyote Creek and the Guadalupe River will thus be subject to the City's set-back requirements (Table 3). These setbacks apply even in the absence of existing riparian vegetation.

Ordinance-Size Trees and Heritage Trees

The City of San Jose Tree Removal Controls (San Jose City Code, sections 13.31.010 to 13.32.100) serve to protect all trees having a trunk that measures 56 inches or more in circumference (18 inches in diameter) at the height of 24 inches above the natural grade of slope. The ordinance protects both native and non-native species. A tree removal permit is required from the City of San Jose for the removal of ordinance-sized trees. In addition, any tree found by the city council to have special significance can be designated as a heritage tree, regardless of tree size or species. It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees. In addition, the City of San Jose requires, prior to the issuance of any approval or permit for construction of any improvement of the project site, that all trees on the project site be inventoried and categorized according to size, species, and location.

A tree survey was not conducted for this EIR. Based upon observations during reconnaissance-level surveys, trees that appear to be ordinance-sized occur on some of the parcels surveyed (Table 3). These trees include the California sycamores that dominate the sycamore alluvial riparian woodland remnants discussed above, and landscape trees such as English walnuts (*Juglans nigra*), coast redwoods, forest red gum (*Eucalyptus tereticornis*), and Fremont cottonwoods. The presence of heritage trees was not determined.

ENVIRONMENTAL IMPACTS AND MITIGATION

The proposed project will ultimately result in a conversion of the parcels to commercial, industrial, public, or residential land uses. These proposed uses would have a number of impacts on the area's biological resources. These impacts may or may not be significant adverse effects. The California Environmental Quality Act (CEQA) and the CEQA Guidelines provide guidance in evaluating project impacts and determining which impacts will be significant. CEQA defines "significant effect on the environment" as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." According to Appendix G of the CEQA Guidelines, a project's effects on biotic resources may be considered significant when the project would:

- "Conflict with adopted environmental plans and goals of the community where it is located;"
- "substantially affect an endangered, rare, or threatened species of animal or plant or the habitat of the species;"
- "interfere substantially with the movement of any resident or migratory fish or wildlife species;"
- "substantially diminish habitat for wildlife or plants."

In addition to the significance criteria discussed in Appendix G, removal or disturbance of nesting raptors as discussed in the Fish and Game Code will be considered significant.

This section describes the assumptions and thresholds of significance developed to evaluate impacts on the biological resources of the proposed Rincon Redevelopment Project resulting from implementing the proposed plan scenario.

Two general assumptions need to be identified to understand the thresholds of significance for impacts to the biotic resources of the project site resulting from implementation of the proposed project. These assumptions are as follows:

1. Direct impacts to wildlife species are assumed to be correlated with the loss of plant communities that provide their primary habitat. These losses would result from site grading, road building, infrastructure installation, filling or other damage to habitats, and direct wildlife loss or disturbance by construction activities and human use. The conversion of these communities to commercial, residential, and other land uses, therefore, may result in the loss of or reduction of use for some wildlife species. The existing wildlife species are usually replaced with a suite of species that tolerate these development activities.

2. Indirect impacts to wildlife are also expected to occur. Some remaining fragments of undeveloped habitat will be isolated from larger areas of contiguous habitat and are expected to have lower biological values than those prevailing before development.

EFFECTS FOUND TO BE LESS-THAN-SIGNIFICANT

Loss of Urban Landscape

Urban landscape habitat is scattered throughout the project area (Table 1). Much of this landscaping could be lost to redevelopment of parcels pursuant to the General Plan. Although the future mix of plant species used for landscaping may vary from what currently exists, future development will likely include landscaping. Urban landscaping is common regionally, and the plants and animals that it supports are locally abundant. Therefore, the loss of this habitat type will result in a less-than-significant impact.

Loss of Coyote Brush Scrub

A few Rincon parcels contain coyote brush scrub (Table 1), which could be lost upon parcel development. Due to their degraded nature and small size, these scattered patches of coyote brush provide little habitat value. Furthermore, the species able to utilize these areas are common regionally. Therefore, the loss of this habitat type will result in a less-than-significant impact.

Loss of Habitat for Various Special-Status Plant and Animal Species

Several special-status plant and animal species have been identified as historically or currently occurring in the project vicinity. On the basis of field work conducted for this EIR, it has been determined that no special-status plants, including alkali milk-vetch (*Astragalus tener* var. *tener*), Santa Clara red ribbons (*Clarkia concinna* ssp. *automixa*), fragrant fritillary (*Fritillaria liliacea*), and Congdon's tarplant (*Hemizonia parryi* ssp. *congdonii*), nor appropriate habitat for those species, presently occurs on-site. No vernal pool habitat, which is the preferred wetland ecosystem for the alkali milk-vetch, was identified on the Rincon parcels. Nor were serpentine or alkaline seeps and native grasslands, habitat for fragrant fritillaries and Congdon's tarplants, identified. Finally, the absence of cismontane woodland and coastal scrub precludes the presence of Santa Clara red ribbons. Therefore, the project will not have any impacts on special-status plants.

The project site does not support suitable habitat for longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool fairy shrimp (*B. lynchi*), vernal pool tadpole shrimp (*Lepidurus packardi*), chinook salmon (*Oncorhynchus tshawytscha*), steelhead rainbow trout (*O. mykiss*), California tiger salamander (*Ambystoma californiense*), western spadefoot toad

(*Scaphiopus hammondii*), California red-legged frog, foothill yellow-legged frog (*Rana boylii*), western pond turtle (*Clemmys marmorata*), Bank Swallow (*Riparia riparia*), Saltmarsh Common Yellowthroat (*Geothlypis trichas sinuosa*), Yellow-breasted Chat (*Icteria virens*), and American badger (*Taxidea taxus*). Therefore, development of the site would result in no direct impacts to these species.

Some special-status terrestrial vertebrates may be occasional visitors, migrants, or transients. These species include the Ferruginous Hawk (*Buteo regalis*), American Peregrine Falcon (*Falco peregrinus anatum*), Prairie Falcon (*Falco mexicanus*), Long-billed Curlew (*Numenius americanus*), Vaux's Swift (*Chaetura vauxi*), California Yellow Warbler (*Dendroica petechia brewsteri*), Willow Flycatcher (*Empidonax traillii*), and Tricolored Blackbird (*Agelaius tricolor*). Due to these species' limited use of the Rincon area, development of the Rincon parcels will have a less-than-significant effect on their breeding or migratory success.

The California Gull (*Larus californicus*) utilizes a variety of habitats for foraging, including developed areas such as parking lots, landfills, and school yards. Impacts to breeding habitat represent the principal threat to California Gull populations. California gulls do not breed within the Rincon area, and may continue to forage there after development. Project development will thus have a less-than-significant impact on this species.

The California Horned Lark may occasionally breed on site. This species is a common breeder in Central California and is considered a Species of Special Concern generally due to its severe decline in the coastal areas of southern California. Additionally, the Loggerhead Shrike (*Lanius ludovicianus*) is fairly common in the San Francisco Bay Area (and in the state), and the population appears to be stable regionally (B. Bourman, pers. comm.). The project site represents a small fraction of the available breeding habitat for these two species in Santa Clara County. Thus, project development will have a less-than-significant impact on these species.

Although marginally suitable habitat for the ringtail (*Bassariscus astutus*) occurs along the Guadalupe River and Coyote Creek, these riparian areas are not on any of the Rincon parcels. Impacts to ringtails are thus expected to be less-than-significant (but see *Potential Encroachment into the 100 foot Riparian Setback Area of Guadalupe River and Coyote Creek*, below).

Although either species may forage over the area, neither Pallid bats nor Townsend's big-eared bats were observed during reconnaissance-level surveys. Loss of potential foraging habitat for either species is a minimal impact, since open fields are disked, reducing potential arthropod prey for pallid bats and flying prey for Townsend's big-eared bats. Both bats are also capable of flying a few miles for foraging areas, the nearest being north of State Route 237. California mastiff bats (*Eumops perotis californicus*) may also forage over the Rincon area. This species generally forages 1000 to 2200 feet or more above ground, however, and frequently forages 15 or more miles from its day roost. Mastiff bats may forage over Rincon

after development and are capable of flying to other foraging areas. The loss of potential foraging habitat for special-status bat species from future Rincon development is thus a less-than-significant impact (but see *Potential Disturbance to Pallid Bat and Townsend's Big-eared Bat Nursery Colonies*, below).

Impacts to Wildlife Movements

Background. The entire Rincon Redevelopment Plan area consists entirely of habitats altered by development and agriculture.

The CEQA Guidelines interpret a "substantial interruption of wildlife movements" as a significant environmental effect. This rather broad language sometimes causes confusion because in fact animals make three different types of movements on a regular basis. Typically, substantial interruption is interpreted as the disruption of a wildlife movement corridor. The term "corridor" implies a linkage between or among larger habitat patches. In order to assess the importance of an area as a "movement corridor" it is important to understand the basic concepts underlying animal movement patterns. Animal movements can generally be subdivided into three major behavioral categories: 1) movements within a home range or territory; 2) movements during migration; and 3) movements during dispersal. These different types of movement patterns and how they relate to use of the Rincon area by the various wildlife species are described below.

Movements within a Home Range or Territory. Burt (1943), who recognized that animals exhibited consistent use patterns, defined home range as that area an animal learns thoroughly and habitually patrols during its normal activities of foraging, mating, and caring for young. The term territory refers to an area that an animal defends through overt defense or advertisement (Noble 1939, Brown 1964, Wilson 1975). The territoriality of breeding song birds is a classic example of this behavior. Not all animals, however, exhibit territorial behavior.

Movements during Migration. Along with the normal movements associated with a home range or territory some wildlife species exhibit a number of distinct movement patterns such as migration and dispersal. Migration is generally defined as a movement from the breeding or natal grounds to a "wintering" area and the subsequent return for the next reproductive effort (Terrill 1990).

Movements during Dispersal. Dispersal generally refers to the movement of an animal (usually juveniles) from its natal area to an area of unoccupied habitat, or movements by adults related to short-term changes in resource availability. Many small mammals such as California voles and deer mice are considered good colonizers since a portion of their populations will frequently disperse from their site of origin.

Animal Movements In the Rincon Area. No detailed study of animal movements on site was conducted for this EIR. However, knowledge of the region, its habitats, and the ecology of the species in the area permits sufficient predictions on the types of movements that are occurring within the region. The development of the habitats on-site will have an insignificant impact on movements of animals regionally due to the present level of commercial, residential, and highway development surrounding the site.

The Rincon area is included in the foraging radius for many avian species. The territories for most of these species are not likely to exceed the size of the area. A number of other avian species (primarily raptors) will forage over much larger areas than Rincon. Bird species with relatively small foraging territories that may breed on site include the Mockingbird, Chestnut-backed Chickadee, California Towhee, Song Sparrow, Common Bushtit, House Finch, Lesser Goldfinch, and Nuttall's Woodpecker. Dispersing juveniles of these species might traverse the area, immigrate, or emigrate from the parcels in search of suitable unoccupied habitat. The Rincon parcels provide foraging opportunities for several raptor species that nest within the region. These include the Red-tailed Hawk, Red-shouldered Hawk, White-tailed Kite, Golden Eagle, American Kestrel, Barn Owl, Great-horned Owl, and Burrowing Owl.

A number of medium to large mammals such as red fox and raccoons use the area for breeding and foraging. The home ranges of several of these species are larger than the individual Rincon parcels, but not the entire planning area. Juveniles of these species would either traverse the Rincon area, immigrate, or emigrate from it.

The Rincon area is not known to be a migratory route for any of the terrestrial species either known to occur on the site or within the vicinity. It does however, support several different vegetation cover types that provide habitat for a variety of wildlife species. These wildlife species will use the area during their normal movements (e.g., home range or territory), or juveniles (and to a lesser extent adults) may disperse over, from, or onto the various parcels. The riparian woodlands associated with the Guadalupe River and Coyote Creek are discontinuous for some portion of their length. Nonetheless, several terrestrial vertebrate species will use these woodlands as movement corridors. These species include (but are not limited to) Great-horned Owl, Bewick's Wren, Plain Titmouse, Bushtit, Nuttall's Woodpecker, Chestnut-backed Chickadee, opossum, Yuma bat, dusky footed woodrat, deer mouse, raccoon, and red fox. Some species may spend their entire life cycle within this riparian habitat, use the habitat for cover, or access other habitats along the creek.

Habitat Fragmentation. Habitat fragmentation has been identified by numerous ecologists as one of the greatest threats facing wildlife species today (Harris and Gallager 1989). Theoretical ecologists have recently focused a great deal of effort on determining the importance of corridors as landscape links between or among larger (fragmented) habitat areas. A number of advantages of corridors have been identified including their role in helping to prevent local extinctions of isolated populations, their potential to aid in the

support of species that require more resources than can be supplied by single preserves, and their potential as habitat (Simberloff and Cox 1987).

Conclusions. Some species may disperse through the area, but most wildlife that presently use the area do so as part of their normal movements for foraging, mating, and caring for young. In other words, Rincon falls within their home range or territory. Individuals of the various amphibian, reptile, and small mammal species that presently occupy the parcels will be displaced or lost as development proceeds. Therefore, project buildout will represent a loss of all habitat for the wildlife species that presently use these habitats within Rincon. The loss of this habitat is considered a less-than-significant impact for most wildlife species due to the availability of similar habitats in the region (e.g. north of State Route 237).

The development of the Rincon area, however, will result in a significant cumulative loss of foraging and breeding habitat for the Burrowing Owl (see *Loss of Habitat for Burrowing Owls and Other Raptors* below). Therefore, the development of Rincon will not "interfere substantially with the movement of any resident or migratory fish or wildlife species" (CEQA Guidelines Appendix G), but will result in substantial impacts to the habitat of some resident wildlife (see below).

SIGNIFICANT ENVIRONMENTAL EFFECTS

Loss of Habitat for Burrowing Owls and Other Raptors

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (16 U.S.C., Sec. 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. Birds of prey are protected in California under California Fish and Game Code section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." 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 a "taking" by the CDFG. Furthermore, the destruction of occupied Burrowing Owl burrows is also considered a taking. Any loss of fertile eggs, nesting raptors, any activities resulting in nest abandonment, or the destruction of occupied Burrowing Owl burrows would constitute a significant impact. Construction activities such as tree removal, site grading, etc., that disturb a nesting Burrowing Owl on-site or immediately adjacent to the site (to the construction zone only) or destoy occupied burrows constitute a significant impact.

Burrowing Owls currently forage and breed within the Rincon area. Burrowing Owls in north San Jose are declining largely due to the rate and extent to which their habitat is being developed. Burrowing Owls that forage and breed on the undeveloped Rincon parcels will be displaced as the existing open habitat within the project area is replaced by development.

While data are lacking, it is likely that there were fewer birds in the area when agricutural production and land management was intense. As agricultural production waned, and ground squirrels increased, Burrowing Owls likely found available burrows and forage in fallow fields. As development has progressed in these areas, fewer and more isolated parcels of available habitat are present. The birds have often moved to other nearby lands as occupied lands are developed. Biologists have noted these movements by owls throughout the northern Santa Clara Valley.

Additionally, when agriculture was active, and when development has occurred, some Burrowing Owls may have been inadvertently killed by planting and harvesting, or disking and grading. Laws have long prohibited such inadvertent killing, but often landowners were unaware that these owls might be underground. Recently, pre-construction surveys for owls that have been required by the City should have reduced the proportion of birds that are killed, but their habitat still is rapidly disappearing.

Other raptors, including special-status species such as Northern Harriers (*Circus cyaneus*) and White-tailed Kites (*Elanus caeruleus*), also forage and may even breed within these undeveloped parcels, although more suitable adjacent habitats exist outside the Rincon area.

All of the currently undeveloped Rincon parcels are slated for development under the San Jose General Plan. All of the other currently undeveloped parcels within the Rincon area boundaries, but outside the scope of this EIR, are also slated for development under the San Jose General Plan. With limited exception (e.g. narrow strips of land along Coyote Creek and the Guadalupe River), no open, undeveloped habitat will remain within the Rincon area. Development of the currently vacant Rincon parcels, in conjunction with the foreseeable development of the remaining undeveloped land in north San Jose, will thus result in a loss of the majority of habitat for Burrowing Owls and other raptors in the north San Jose area. This cumulative habitat loss would be a significant impact. Implementation of Mitigation 1, 2, 3, or 4, in conjunction with Mitigation 5, is expected to reduce this impact to a less-than-significant level.

Mitigation 1. Avoidance. Future construction could be limited to parcels that are already developed. Open, undeveloped parcels would thus remain available for raptor foraging and nesting. Avoidance would allow use of currently occupied areas to continue uninterrupted.

Mitigation 2. Development and Implementation of the San Jose Burrowing Owl Habitat Preservation and Relocation Plan. The City of San Jose is currently contemplating the development and implementation of a Burrowing Owl habitat preservation and relocation plan (P. Colombe, pers. comm.). Development of the plan is expected to

include a Burrowing Owl population inventory, a discussion of Burrowing Owl habitat preservation and creation techniques, and the development of mitigation requirements. Possible mitigation for impacts to Burrowing Owls from developing vacant Rincon parcels subsequent to the adoption of this plan can be required to conform with the plan. Burrowing Owl habitat created and preserved pursuant to this plan will benefit not only Burrowing Owls, but also provide foraging habitat for other special-status raptors. Such an overall approach should be able to provide the best mix of protection for the owls combined with development in a sensitive manner.

Mitigation 3. Establish Preserves Within the Rincon Area. Mitigations 3 & 4 are designed to provide guidelines for mitigation, should Mitigation 2 be delayed or not implemented. Conversely, many of the aspects of Mitigations 3 & 4 may be incorporated into whatever plan is adopted under 2 above.

When owls occupy a habitat fragment that is within a human-altered landscape, and project objectives call for taking this habitat, suitable alternate owl habitat sometimes exists adjacent to the project site or within a short (<100 m) distance. This habitat could be set aside for Burrowing Owls. This approach would require preservation of significant portions of the Rincon Area. With full development within the Rincon area, no such habitat appears to be available to serve as mitigation for displacement of owls that may be resident on Rincon parcels.

Mitigation 4. Off-site Mitigation. When the proposed development will displace Burrowing Owl(s) occupying the last undeveloped habitat in an area, and no suitable alternate habitat exists within a short (<100 m) distance, then off-site mitigation is necessary for impacts to Burrowing Owls. Mitigation can involve one of the two following approaches:

1. Affected-individuals Mitigation is used to replace habitat used by specifically identified owls. Often, this mitigation may require active relocation (capture and relocation) or passive relocation (eviction from the project site) of affected owls to specific areas set aside and managed for these individuals. Affected-individuals Mitigation is the approach preferred by the agencies.

2. In-kind Mitigation will be required when biological conditions are unsatisfactory for Affected-individuals Mitigation. In-kind Mitigation is used when habitat can be set aside for Burrowing Owls in general, and is not intended to benefit individuals that are affected by the project. The Burrowing Owls are passively evicted from the site to be impacted without being relocated to the selected mitigation site.

The land chosen for this mitigation will serve as mitigation habitat for resident owls displaced from developing parcels. Mitigation land(s) should be a minimum of 30 contiguous acres. Areas set aside as owl habitat should be mowed rather than disked. Areas

that are circular in shape are preferable to linear areas of habitat, to reduce potential predation pressures. These areas should be preserved and managed as owl habitat in perpetuity.

CDFG recommends 6.5 acres of mitigation habitat for each individual or pair of owls. While the number of owls in the Rincon Area is not clearly known, anecdotal information indicates that between 20 and 30 pairs of the birds have recently resided in the area. Mitigation using the CDFG recommendation would be between approximately 130 and 195 acres.

Each project resulting in development of a currently vacant Rincon parcel could contribute to the improvement and maintenance of this permanent Burrowing Owl mitigation habitat through payment of an impact fee. The level of required participation by each development project could be assessed based on the relationship of the individual project's contribution to the cumulative loss of undeveloped land within the Rincon area. Through such a mitigation program, permanent, good quality habitat for Burrowing Owls could be retained in perpetuity.

Mitigation for the developing Rincon parcels could be combined with each other or even with mitigation from other projects in the north San Jose/Santa Clara area. The mitigation habitat acquired should be located within the north San Jose/Santa Clara area to the extent possible. Although an assessment of available mitigation sites has not been conducted for this EIR, potential sites may exist south of the San Jose International Airport, on other publicly owned lands, and possibly on private lands in the area. These mitigation sites will benefit not only Burrowing Owls, but also provide foraging habitat for other special-status raptors.

Mitigation 5. Preconstruction Surveys and Buffer Zones. In conformance with federal and state regulations regarding protection of raptors, a pre-construction survey for Burrowing Owls should be conducted by a qualified ornithologist prior to any development occurring on undeveloped parcels. The preconstruction survey would be conducted no more than 30 days prior to the start of site grading for each construction phase. If breeding or resident owls are located on or immediately adjacent to the site, a construction-free buffer zone around the active burrow should be established as determined by the ornithologist in consultation with CDFG. No construction activities would proceed that would disturb breeding owls.

Potential Disturbance of Active Raptor Nests from Project Construction

As discussed above, raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations, including the Migratory Bird Treaty Act and California Fish and Game Code section 3503.5. Any loss of fertile raptor eggs or nesting raptors, or any activities resulting in raptor nest abandonment, would constitute a significant impact.

With the exception of Burrowing Owls, the project parcels provide only marginal habitat for nesting raptors. It is possible that raptors such as Red-tailed Hawks, White-tailed Kites, or

Barn Owls might nest within the Rincon parcels. Therefore, the mitigation measure described below should be implemented to reduce the adverse impacts of proposed development to any raptors nesting within or immediately adjacent to these parcels. If fully implemented, this measure is expected to reduce the potential project-related environmental effects on nesting raptors to a less-than-significant level.

Mitigation 1. Surveys and Avoidance. If any construction activities will occur during the nesting season (February to August) on parcels with trees or older/abandoned structures, these activities should be preceded by preconstruction surveys for nesting raptors by a qualified ornithologist. These surveys could be done in conjunction with Burrowing Owl surveys. Surveys should be conducted no more than 30 days prior to the start of construction. No construction activities (including tree removal, grading, etc.) that would result in disturbance to active raptor nests would proceed. A qualified ornithologist would determine the extent of construction-free zones around active raptor nests located during surveys. The USFWS and CDFG should also be notified of any active raptor nest within the construction zone.

Potential Disturbance to Pallid Bat and Townsend's Big-eared Bat Nursery Colonies

Pallid bat and Townsend's big-eared bat nursery colonies, which develop from late spring to early or mid-summer, may exist in the attics or wall spaces of old buildings on four sites (Parcels 5, 7, 22, 25). The razing of buildings with active nursery colonies would eliminate those nursery colonies. Furthermore, Townsend's big-eared bats are so sensitive to human disturbance that females will permanently leave a traditional summer roost if disturbed. Although evidence of the two bat species was not observed during reconnaissance-level surveys, if nursery colonies of either species should exist, destruction or disturbances from parcel development that cause colony abandonment would be a significant impact. Implementation of the following mitigation would reduce this potential impact to a less-than-significant level.

Mitigation 1. Preconstruction Surveys and Buffer Zones. Development activities during the nursery season (April to July) on Parcels 5, 7, 22, and 25 should be preceded by predemolition surveys for nursery colonies by a qualified bat biologist (as determined by a Memorandum of Understanding with CDFG). Demolition of buildings outside of the nursery season need not be preceeded by preconstruction surveys. No activities (including entering an occupied attic) that would result in disturbance to active nurseries would proceed prior to the completed surveys. A qualified bat biologist would determine the extent of construction-free zones around active nurseries located during surveys. CDFG should also be notified of any active nurseries within the construction zone.

Potential Loss of Seasonal Wetlands

Since formal wetland delineations are beyond the scope of this EIR, the mitigation outlined below is provisional. The actual acreage of mitigation needed, if any, will depend on the results of future delineations and assessments of impacts from parcel-specific projects. The potential seasonal wetland habitats within the Rincon area are transitional, dewatered, or degraded elements of the California landscape. Despite their less than pristine condition, these seasonal wetlands provide some function as wildlife habitat and/or for groundwater recharge. In many instances, when hydrology is enhanced or restored to these sites, wetland function and values may increase. Development of parcels containing wetlands would likely result in a loss of wetlands. Loss of any jurisdictional wetland habitat, no matter how degraded, is considered a significant impact. Implementation of the following mitigation will reduce this potential impact to a less-than-significant level.

Mitigation 1. Avoidance. One means of minimizing impacts is to avoid alteration of the resources. Avoidance of impacts may be difficult to achieve since surrounding development is already affecting the quality of the resource through:

- reduction of hydrology through floodflow improvements,
- discharge of untreated stormwater runoff into the subject seasonal wetlands from off-site sources,
- loss of connectivity with pre-existing contiguous wetlands, now filled and urbanized.

Mitigation 2. Creation of Wetland Habitat. The exact area, if any, of impacts to this habitat is not known at this phase of the project. Any area of this habitat lost should be replaced at a minimum ratio of 1:1 acres (replacement:lost). The mitigation goal is to create and enhance wetlands with habitat functions and values equal to, or greater than, those impacted.

Since the seasonal wetland indications are confined to isolated parcels that are surrounded by urban landscape, it may be feasible to create wetland elsewhere in the Rincon Planning Area. For example, project proponents could pool their financial resources with the Santa Clara Valley Water District into a joint mitigation parcel. Such a parcel would ideally be situated on a relict hydric soil unit that is currently under some other form of land use. This mitigation parcel would ideally be proximal to another aquatic resource such as either Coyote Creek or the Guadalupe River. In the end, through restorative plantings and engineered improvements to the hydrologic regime, the mitigation site might become a wetland having even higher function and value than the seasonal wetlands in question.

Potential Loss of Remnant Cottonwood Riparian Forest

Small islands of riparian cottonwood vegetation that are cut-off from the Guadalupe River by a levee exist on Parcels 18 and 26. In effect, their function as wildlife habitat is compromised through the loss of connectivity with the cottonwood riparian forest that now exists in the "in-board" side of the levee. Nonetheless, these riparian areas represent islands of biodiversity. The trees and associated understory provide cover and nesting habitat for indigenous wildlife. Furthermore, San Jose's *Riparian Corridor Policy* indicates that remnant riparian species, even if existing outside the mapped riparian corridor, should be retained in development plans. Impacts to the remnant riparian vegetation at these two parcels would thus be significant. Implementation of the following mitigation will reduce this potential impact to a less-than-significant level.

Mitigation 1. Avoidance. Development of these parcels should be designed and constructed in such a way as to avoid impacts to these patches of remnant cottonwood forest.

Mitigation 2. Replacement of Cottonwood Riparian Habitat. The exact area, if any, of impacts to this habitat is not known at this phase of the project. Any area of this habitat lost should be replaced at a minimum ratio of 1:1 acres (replacement:lost).

The mitigation areas should be designed to expand areas with existing riparian vegetation and to re-create cottonwood riparian habitat. Riparian plantings could occur within gaps in riparian vegetation that exist along the Guadalupe River. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than, those impacted.

Potential Direct Loss of Riparian Habitat

The riparian vegetation on the edge of Parcels 42 and 45 is contiguous with the bank of Coyote Creek. This vegetation provides important wildlife habitat and is thus a significant component of the riparian corridor. Because property boundaries could not be determined during site visits, the boundaries of Parcel 42 and/or 45 may not encompass this habitat type. If the habitat is within the parcel boundary, direct loss of riparian habitat could occur as a result of development on these parcels. This loss would be a significant impact. Implementation of the following mitigation measures would reduce this potential impact to a less-than-significant level (see also *Potential Encroachment into the 100-foot Riparian Setback Area of Guadalupe River and Coyote Creek* below). If the riparian vegetation is not within the parcels' boundaries, mitigation would consist of conformance with the riparian setback criteria only.

Mitigation 1. Avoidance. Development of these parcels could be designed and constructed in such a way as to avoid impacts to this riparian habitat.

Mitigation 2. Replacement of Riparian Habitat. The exact area, if any, of impacts to this habitat is not known at this phase of the project. Any area of this habitat lost should be replaced at a minimum ratio of 3:1 acres (replacement:lost).

The mitigation areas should be designed to expand areas with existing riparian vegetation and to re-create native riparian habitat. Riparian plantings could occur within gaps in riparian vegetation that exist along Coyote Creek. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than, those impacted.

Potential Loss of Remnant Sycamore Riparian Woodland

The relatively small island of sycamore riparian woodland on Parcel 44 is disconnected from the nearby cottonwood riparian forest by the Coyote Creek levee. Nonetheless, because these trees are only separated from the adjacent forest by a relatively narrow strip of field and the grassy levee slopes, the sycamores are a significant contribution to the riparian habitat. As noted above, San Jose's *Riparian Corridor Policy* indicates that remnant riparian species, even if existing outside the mapped riparian corridor, should be retained in development plans. Impacts to this remnant sycamore riparian woodland would thus be significant.

Mitigation 1. Avoidance. Development of parcel(s) containing remnant sycamore alluvial woodland could be designed in such a way as not to impact this habitat type.

Mitigation 2. Replacement of Sycamore Riparian Woodland. The exact area, if any, of impacts to this habitat is not known at this phase of the project. Any area of sycamore riparian woodland lost should be replaced at a minimum ratio of 1:1 acres (replacement:lost).

The mitigation areas should be designed to expand areas with existing riparian vegetation and to re-create sycamore riparian woodland habitat. Riparian plantings could occur within gaps in riparian vegetation that exist along the Guadalupe River. The mitigation goal is to create and enhance riparian habitat with habitat functions and values equal to, or greater than, those impacted.

Potential Encroachment into the 100-foot Riparian Setback Area of Guadalupe River and Coyote Creek

Riparian areas in central California support a rich and diverse wildlife component. The use of these habitats is adversely affected by the close proximity of human activity and the placement of structures. The quality of the riparian habitat and type of structures or activities adjacent to it determines the overall effect on wildlife use. In general, the greater the amount of human activity and the closer that activity occurs to riparian areas, the greater the potential for negative impacts to wildlife use.

Therefore, it is generally desirable to minimize human activities adjacent to riparian habitats. This reduction in human use has led to the development of the setback or buffer concept along riparian areas as an attempt to reduce impacts to riparian areas. While empirical evidence exists to support the hypothesis that wildlife values of the riparian corridor can be compromised by adjacent human activity, little empirical data presently exists for the establishment of a precise setback area.

Nonetheless, riparian setbacks of up to 100 feet are often recommended by CDFG as appropriate for streams with high quality riparian habitat. These setbacks are typically measured from either the top of the bank or the outer edge of riparian vegetation, whichever is greater. In addition, the *Riparian Corridor Policy* Study indicates that "development adjacent to riparian habitats should be set back 100 feet from the outside edge of the riparian habitat (or top of bank) whichever is greater." The Guadalupe River runs along the western boundary of the project, and Coyote Creek runs along and inside the eastern boundary.

Riparian trees are generally absent on the in-board sides of the Guadalupe River levees from the Trimble bridge downstream to the lower end of the Rincon Redevelopment Study Area. The vegetation along these reaches (which is outside the Rincon parcels) consists of high quality tidal and brackish marsh. Upstream from the Trimble bridge, the vegetation becomes stratified with a dominant Fremont cottonwood overstory, a sparse to vigorous willow understory, and associated woody vines and herbs. This riparian habitat is moderate to high quality.

Those reaches of lower Coyote Creek that occur east of the Rincon Redevelopment Study Area possess a greater density of riparian trees and shrubs than similar areas near Hwy. 101 along the Guadalupe River. Below the Montague Expressway bridge, two channels are present. The easternmost channel is densely vegetated with high quality riparian forest. From Montague northward, an overflow channel has been constructed that is generally devoid of trees.

Both of these stream systems are important components of the riparian system of the waterways of the South Bay. Project development may adversely affect the respective riparian corridors by allowing development to encroach within the riparian setback necessary for high quality riparian corridors (i.e., 100 feet). Therefore, for the purposes of this analysis, riparian setback buffer strips are defined, within which minimal human use and disturbance should occur. For the purposes of analyzing impacts of the project on the riparian corridors of the Guadalupe River and Coyote Creek, this report assumes that a setback or buffer area of 100 feet will be maintained from the top-of-bank or edge of riparian canopy, whichever is greater. It is possible that future development of several parcels may encroach upon the 100-foot setback area of the Guadalupe River or Coyote Creek or otherwise impact these corridors (Table 3). Such encroachment would be considered a significant impact to the Guadalupe River and Coyote Creek Riparian Corridors. Depending on the extent of the impact, implementation of some of the following mitigation measures would make these potential impacts less-than-significant.

Mitigation 1. Avoidance. Development within the project area could be designed and constructed in such a way as not to encroach into the 100-foot setback for the Guadalupe River and the Coyote Creek Riparian Corridors.

Mitigation 2. Minimize Project Impacts to the Riparian Corridor. During the construction phase of any parcel development, the riparian corridor should be protected from potential runoff and encroachment. The edge of the corridor (top-of-bank or edge of riparian canopy) adjacent to the construction site should be identified by a temporary plastic fence, and hay bales should be placed along this fence to prevent erosion from occurring within or impacting the corridor.

The final design for parcels should ensure that site grading directs storm drainage away from the riparian corridor to protect water quality and minimize erosion potential.

Lighting within the setback areas should be avoided. Lighting associated with proposed projects should be designed and sited to minimize light and glare impacts to wildlife within the riparian corridor.

Mitigation 3. Avoid Landscaping With Invasive Exotic Species. Invasive, exotic species should not be used in landscaping within 100 feet of the riparian corridor. Examples of some of the more invasive species include: tree of heaven (*Ailanthus altissima*), pampas grass (*Cortaderia jubata*), periwinkle (*Vinca major*), English ivy (*Hedera helix*), and ice plant (*Carpobrotus edulis*).

Riparian setback areas should be planted with native trees, shrubs, and other plants compatible with the adjacent riparian corridor. The planting of native species within this setback area would protect and enhance the existing Guadalupe River and Coyote Creek habitat. Species that could be planted include coast live oak (*Quercus agrifolia*), Mexican elderberry (*Sambucus mexicana*), toyon (*Heteromeles arbutifolia*), and coffeeberry (*Rhamnus californica*). The soil and water level would need to be tested prior to developing planting plans for setback areas.

Mitigation 4. Create Replacement Riparian Habitat. The exact area of encroachment (if any) by future Rincon development into the setback areas is not known at this phase of the proposed project. The true extent of actual impacts to the setback areas will be determined as final design plans for development of the various parcels become available. Any impacted setback areas should be replaced at a minimum mitigation ratio of 1:1 acres (replacement:lost). The mitigation ratio will ultimately be based upon the acreage necessary to enhance and/or create habitat that provides functions and values equal to, or greater than, the habitat impacted by the encroachment. The mitigation areas should be designed to expand areas with existing riparian vegetation and to re-create riparian habitat in areas where decades of agriculture and development have removed such habitats.

Loss of Ordinance-Size Trees

Redevelopment of the Rincon parcels having ordinance-sized trees may result in a loss of those trees. Project developers would have to apply to the City of San Jose for tree removal permits. The loss of these trees would be a significant impact. Implementation of the following mitigation will reduce this impact to a less-than-significant level.

Mitigation 1. Avoidance. Development within the project area should be designed to avoid the loss of ordinance-size trees where feasible. Particular consideration should be given to avoidance of impacts to ordinance-sized remnant riparian trees (see above discussion) or to healthy specimens of native species. A qualified arborist or biologist should be consulted to assist with designing developments to minimize impacts to ordinance-size trees.

Mitigation 2. Development of Tree Replacement/Preservation Plan(s). If avoidance is not feasible, then a tree replacement/preservation plan should be developed that minimizes impacts to remaining trees and replaces lost trees. The plan may encompass various features, including the following:

(a) Location of appropriate tree replacement sites. Appropriate locations should be identified for mitigation on-site.

(b) Replacement ratios for lost trees. Lost ordinance-sized trees should be replaced at a 4:1 ratio. The 4:1 ratio will compensate for the habitat values lost while restored ordinance trees are maturing (a process taking many years).

(c) Planting requirements. Planting stock should be native and collected locally. Planting should be conducted from November to January using small nursery stock. The replacement trees should be installed in an environment suitable for their establishment and growth. These trees should be irrigated and maintained for a period of not less than three years. The mitigation site(s) should be protected from future disturbance and the restoration effort(s) should be monitored for five years. The plan(s) should also identify appropriate performance criteria to measure the success of the restoration efforts.

PROJECT IMPACTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT IMPACT

The adoption and successful implementation of the mitigation measures identified in this report should mitigate all project impacts to biotic resources to a less-than-significant level. Therefore, if these mitigations are implemented, there would be no significant unavoidable impacts from the project.

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APPENDIX A.
PLANTS OF THE RINCON REDEVELOPMENT PLAN SITE

Appendix A. Vascular Plants Observed at the Rincon Redevelopment Plan Site, San Jose, California		
FAMILY NAME	**SCIENTIFIC NAME**	**COMMON NAME**
Aceraceae	*Acer palmatum*	Japanese maple
	Acer negundo var. *californicum*	box elder
Aizoaceae	*Carpobrotus edulis*	iceplant
Amaranthaceae	*Amaranthus retroflexus*	retroflexed pigweed
Anacardiaceae	*Schinus molle*	California pepper tree
Apiaceae	*Conium maculatum*	poison hemlock
	Foeniculum vulgare	sweet fennel
Apocynaceae	*Nerium oleander*	oleander
	Vinca major	greater periwinkle
Aquifoliaceae	*Ilex aquifolium*	English holly
Araliaceae	*Hedera helix*	English ivy
Arecaceae	*Phoenix canariensis*	Canary Island date palm
	Washingtoniana filifera	Washington fan palm
Asteraceae	*Baccharis pilularis*	coyote brush
	Carduus pycnocephalus	Italian thistle
	Centaurea solstitialis	yellow star-thistle
	Cichorium intybus	chickory
	Hypochaeris glabra	smooth cat's ear
	Hypochaeris radicata	rough cat's ear
	Hemizonia congesta ssp. *luzulifolia*	hayfield tarweed
	Lactuca serriola	prickly lettuce
	Picris echioides	bristly ox-tongue
	Silybum marianum	milk thistle
	Sonchus asper	prickly sow thistle
	Sonchus oleraceus	common sow thistle
	Xanthium spinosum	spiny cocklebur
	Xanthium strumarium	common cocklebur
Betulaceae	*Alnus rhombifolia*	white alder
	Betula pendula	European white birch
Bignoniaceae	*Tecomaria capensis*	cape honeysuckle
Brassicaceae	*Brassica nigra*	black mustard
	Capsella bursa-pastoris	shepherd's purse
	Cardaria draba	heart-podded hoary cress
	Hirschfeldia incana	geniculate mustard
	Raphanus sativus	wild radish
Cactaceae	*Opuntia ficus-indica*	mission cactus
Caprifoliaceae	*Sambucus mexicana*	Mexican elderberry

Appendix A. Vascular Plants Observed at the Rincon Redevelopment Plan Site, San Jose, California		
FAMILY NAME	**SCIENTIFIC NAME**	**COMMON NAME**
Caryophyllaceae	*Cerastium glomeratum*	mouse-ear chickweed
Chenopodiaceae	*Salsola tragus*	Russian thistle
Convolvulaceae	*Convolvulus arvensis*	field bindweed
Crassulaceae	*Crassula connata*	pygmy-weed
Cupressaceae	*Cupressus sempervirens*	Italian cypress
	Junipeus procumbens	procumbent juniper
Cyperaceae	*Scirpus californicus*	California bulrush
Fabaceae	*Medicago arabica*	burclover
	Vicia sativa ssp. *nigra*	narrow-leaved vetch
Fagaceae	*Quercus agrifolia*	coast live oak
Geraniaceae	*Erodium cicutarium*	red-stemmed filaree
	Erodium moschatum	white-stemmed filaree
	Geranium dissectum	cut-leaved geranium
Juglandaceae	*Juglans regia*	English walnut
Juncaceae	*Juncus bufonius* var. *bufonius*	toad rush
Lamiaceae	*Marrubium vulgare*	horehound
Lauraceae	*Persea americana*	avocado
Magnoliaceae	*Liriodendron tulipifera*	tulip tree
	Magnolia grandiflora	bull bay
Malvaceae	*Malva neglecta*	cheeses
	Malva nicaeensis	bull mallow
Myrtaceae	*Eucalyptus globulus*	blue gum
	Eucalyptus tereticornis	forest red gum
Oleaceae	*Ligustrum lucidum*	glossy privet
Oxalidaceae	*Oxalis pes-caprae*	Bermuda buttercup
Papaveraceae	*Fumaria officinalis*	fumitory
Pinaceae	*Cedrus atlantica*	Atlas cedar
	Cedrus deodara	deodar cedar
	Pinus thunberghii	Japanese black pine
Pittosporaceae	*Pittosporum crassifolium*	karo
Plantaginaceae	*Plantago lanceolata*	English plantain
Platanaceae	*Platanus racemosa*	western sycamore
Poaceae	*Arundo donax*	giant reed
	Avena fatua	wild oats
	Avena sativa	cultivated oat
	Bromus diandrus	ripgut grass
	Bromus hordaceous	soft chess

Appendix A. Vascular Plants Observed at the Rincon Redevelopment Plan Site, San Jose, California		
FAMILY NAME	**SCIENTIFIC NAME**	**COMMON NAME**
	Cynodon dactylon	Bermuda grass
	Distichlis spicata	saltgrass
	Hordeum jubatum	foxtail barley
	Hordeum marinum ssp. *gussoneanum*	Mediterranean barley
	Hordeum murinum ssp. *leporinum*	wall barley
	Lolium multiflorum	Italian ryegrass
	Phalaris aquatica	Harding grass
	Phalaris arundinacea	reed canary grass
	Piptatherum miliaceum	smilo grass
	Poa annua	annual bluegrass
	Poa pratensis	Kentucky bluegrass
	Polypogon monspeliensis	rabbitfoot grass
	Vulpia myuros	rattail fescue
Polygonaceae	*Polygonum arenastrum*	common knotweed
	Rumex acetosella	sheep sorrel
	Rumex crispus	curly dock
	Rumex salicifolius var. *crassus*	prostrate willow dock
Primulaceae	*Anagallis arvensis*	scarlet pimpernel
Ranunculaceae	*Ranunculus repens*	creeping buttercup
Rosaceae	*Cotoneaster franchetii*	Franchet's cotoneaster
	Fragaria chiloensis	creeping strawberry
	Fragaria vesca	strawberry
	Malus pumila	apple
	Prunus armeniaca	almond
	Pyracantha angustifolia	pyracantha
	Rosa odorata var.	rose
	Rubus discolor	Himalayan blackberry
	Rubus occidentalis var.	Ollalieberry
Salicaceae	*Populus fremontii*	Fremont's cottonwood
	Populus nigra var. *italica*	Lombardy poplar
	Salix laevigata	red willow
	Salix lasiolepis	arroyo willow
	Salix lucida ssp. *lasiandra*	shining willow
Solanaceae	*Lycopersicon esculentum*	tomato
	Nicotiana glauca	tree tobacco

Appendix A. Vascular Plants Observed at the Rincon Redevelopment Plan Site, San Jose, California		
FAMILY NAME	**SCIENTIFIC NAME**	**COMMON NAME**
Taxodiaceae	*Sequoia sempervirens*	coast redwood
Typhaceae	*Typha latifolia*	narrow-leaved cattail
Ulmaceae	*Ulmus parvifolia*	Chinese elm
The species are arranged alphabetically by family name for all vascular plants encountered during the plant survey. Nomenclature is based on Hickman (1993) and L. H. Bailey (1973). Plants are also listed alphabetically within each family. In some cases it was not possible to accurately identify a particular plant to the species level due to the absence of specific anatomic structures required for identification.		

APPENDIX B.
WILDLIFE SPECIES OF THE RINCON REDEVELOPMENT PLAN SITE

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
CLASS: AMPHIBIA				
ORDER: CAUDATA (Salamanders)				
FAMILY: PLETHODONITDAE (Lungless Salamanders)				
Ensatina	*Ensatina eschscholtzi*		x	
California Slender Salamander	*Batrachoseps attenuatus*		x	
Black Salamander	*Aneides flavipunctatus*		x	
Arboreal Salamander	*Aneides lugubris*		x	
ORDER: SALIENTIA (Frogs and Toads)				
FAMILY: BUFONIDAE (True Toads)				
Western Toad	*Bufo boreas*			x
FAMILY: HYLIDAE (Treefrogs and Relatives)				
Pacific Treefrog	*Hyla regilla*			x
ORDER: SQUAMATA (Lizards and Snakes)				
SUBORDER: SAURIA (Lizards)				
FAMILY: IGUANIDAE (Iguanids)				
Western Fence Lizard	*Sceloporus occidentalis*			x
FAMILY: SCINCIDAE (Skinks)				
Western Skink	*Eumeces skiltonianus*		x	
FAMILY: ANGUIDAE (Alligator Lizards and Relatives)				
Southern Alligator Lizard	*Gerrhonotus multicarinatus*			x
SUBORDER: SERPENTES (Snakes)				
FAMILY: COLUBRIDAE (Colubrids)				
Ringneck Snake	*Diadophis punctatus*		x	
Sharp-tailed Snake	*Contia tenuis*		x	
Gopher Snake	*Pituophis melanoleucus*		x	
Common Garter Snake	*Thamnophis sirtalis*		x	
CLASS: AVES				
ORDER: CICONIIFORMES (Herons, Storks, Ibises, and Relatives)				
FAMILY: ARDEIDAE (Herons and Bitterns)				
Great Blue Heron	*Ardea herodias*		x	
Great Egret	*Ardea Alba*			x
Snowy Egret	*Egretta thula*		x	
Green Heron	*Butorides virescens*		x	
Black-crowned Night Heron	*Nycticorax nycticorax*		x	
ORDER: ANSERIFORMES (Screamers, Ducks, and Relatives)				
FAMILY: ANATIDAE (Swans, Geese, and Ducks)				
Canada Goose	*Branta canadensis*		x	
Green-winged Teal	*Anas crecca*		x	
Mallard	*Anas platyrhynchos*			x
Cinnamon Teal	*Anas cyanoptera*		x	

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
Gadwall	*Anas strepera*		x	
ORDER: FALCONIFORMES (Vultures, Hawks, and Falcons)				
FAMILY: CATHARTIDAE (American Vultures)				
Turkey Vulture	*Cathartes aura*			x
FAMILY: ACCIPITRIDAE (Hawks, Old World Vultures, and Harriers)				
White-tailed Kite	*Elanus caeruleus*	**SP**		x
Northern Harrier	*Circus cyaneus*	**CSSC**		x
Sharp-shinned hawk	*Accipiter striatus*	**CSSC**		x
Cooper's Hawk	*Accipiter cooperii*	**CSSC**	x	
Red-shouldered Hawk	*Buteo lineatus*			x
Red-tailed Hawk	*Buteo jamaicensis*			x
Ferruginous Hawk	*Buteo regalis*	**CSSC**	x	
Golden Eagle	*Aquila chrysaetos*	**SP, CSSC**	x	
FAMILY: FALCONIDAE (Caracaras and Falcons)				
American Kestrel	*Falco sparverius*			x
Merlin	*Falco columbarius*	**CSSC**	x	
American Peregrine Falcon	*Falco peregrinus anatum*	**FE, SE, SP**	x	
Prairie Falcon	*Falco mexicanus*	**CSSC**	x	
ORDER: GALLIFORMES (Megapodes, Currassows, Pheasants, and Relatives)				
FAMILY: PHASIANIDAE (Quails, Pheasants, and Relatives)				
Ring-necked Pheasant	*Phasianus colchicus*		x	
California Quail	*Callipepla californica*		x	
ORDER: GRUIFORMES (Cranes, Rails, and Relatives)				
FAMILY: RALLIDAE (Rails, Gallinules, and Coots)				
American Coot	*Fulica americana*		x	
ORDER: CHARADRIIFORMES (Shorebirds, Gulls, and Relatives)				
FAMILY: CHARADRIIDAE (Plovers and Relatives)				
Black-bellied Plover	*Pluvialis squatarola*		x	
Killdeer	*Charadrius vociferus*			x
FAMILY: SCOLOPACIDAE (Sandpipers and Relatives)				
Greater Yellowlegs	*Tringa melanoleuca*		x	
Long-billed Curlew	*Numenius americanus*	**CSSC**	x	
Least Sandpiper	*Calidris minutilla*			x
Long-billed Dowitcher	*Limnodromus scolopaceus*		x	
Common Snipe	*Gallinago gallinago*		x	
FAMILY: LARIDAE (Gulls and Terns)				
Mew Gull	*Larus canus*		x	
Ring-billed Gull	*Larus delawarensis*		x	
California Gull	*Larus californicus*	**CSSC**		x
Herring Gull	*Larus argentatus*		x	

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
Thayer's Gull	*Larus thayeri*		x	
Glaucous-winged Gull	*Larus glaucescens*		x	
ORDER: COLUMBIFORMES (Pigeons and Doves)				
FAMILY: COLUMBIDAE (Pigeons and Doves)				
Rock Dove	*Columba livia*			x
Band-tailed Pigeon	*Columba fasciata*		x	
Mourning Dove	*Zenaida macroura*			x
ORDER: STRIGIFORMES (Owls)				
FAMILY: TYTONIDAE (Barn Owls)				
Barn Owl	*Tyto alba*		x	
FAMILY: STRIGIDAE (Typical Owls)				
Great Horned Owl	*Bubo virginianus*		x	
Burrowing Owl	*Speotyto cunicularia*	CSSC		x
ORDER: APODIFORMES (Swifts and Hummingbirds)				
FAMILY: APODIDAE (Swifts)				
Vaux's Swift	*Chaetura vauxi*	CSSC	x	
White-throated Swift	*Aeronautes saxatalis*		x	
FAMILY: TROCHILIDAE (Hummingbirds)				
Anna's Hummingbird	*Calypte anna*		x	
Rufous Hummingbird	*Selasphorus rufus*		x	
Allen's Hummingbird	*Selasphorus sasin*		x	
ORDER: PICIFORMES (Woodpeckers and Relatives)				
FAMILY: PICIDAE (Woodpeckers and Wrynecks)				
Red-breasted Sapsucker	*Sphyrapicus ruber*		x	
Nuttall's Woodpecker	*Picoides nuttallii*		x	
Downy Woodpecker	*Picoides pubescens*		x	
Northern Flicker	*Colaptes auratus*			x
ORDER: PASSERIFORMES (Perching Birds)				
FAMILY: TYRANNIDAE (Tyrant Flycatchers)				
Western Wood-Pewee	*Contopus sordidulus*		x	
Willow Flycatcher	*Empidonax traillii*	SE	x	
Pacific-slope Flycatcher	*Empidonax difficilis*		x	
Black Phoebe	*Sayornis nigricans*			x
Say's Phoebe	*Sayornis saya*		x	
Ash-throated Flycatcher	*Myiarchus cinerascens*		x	
Western Kingbird	*Tyrannus verticalis*			x
FAMILY: ALAUDIDAE (Larks)				
Horned Lark	*Eremophila alpestris*	CSSC		x
FAMILY: HIRUNDINIDAE (Swallows)				
Tree Swallow	*Tachycineta bicolor*			x

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
Violet-green Swallow	*Tachycineta thalassina*		x	
Northern Rough-winged Swallow	*Stelgidopteryx serripennis*		x	
Cliff Swallow	*Hirundo pyrrhonota*		x	
Barn Swallow	*Hirundo rustica*			x
FAMILY: CORVIDAE (Jays, Magpies, and Crows)				
Western Scrub-jay	*Aphelocoma californica*			x
American Crow	*Corvus brachyrhynchos*			x
Common Raven	*Corvus corax*		x	
FAMILY: PARIDAE (Titmice)				
Chestnut-backed Chickadee	*Parus rufescens*		x	
Plain Titmouse	*Parus inornatus*		x	
FAMILY: AEGITHALIDAE (Bushtit)				
Bushtit	*Psaltriparus minimus*		x	
FAMILY: SITTIDAE (Nuthatches)				
White-breasted Nuthatch	*Sitta carolinensis*		x	
Red-breasted Nuthatch	*Sitta canadensis*		x	
FAMILY: CERTHIIDAE (Creepers)				
Brown Creeper	*Certhia americana*		x	
FAMILY: TROGLODYTIDAE (Wrens)				
Bewick's Wren	*Thryomanes bewickii*		s	
House Wren	*Troglodytes aedon*		s	
FAMILY: MUSCICAPIDAE (Old World Warblers, Gnatcatchers, Kinglets, Thrushes, Bluebirds, and Wrentit)				
Golden-crowned Kinglet	*Regulus satrapa*		x	
Ruby-crowned Kinglet	*Regulus calendula*		x	
Swainson's Thrush	*Catharus ustulatus*		x	
Hermit Thrush	*Catharus guttatus*		x	
American Robin	*Turdus migratorius*			x
Wrentit	*Chamaea fasciata*		x	
FAMILY: MIMIDAE (Mockingbirds and Thrashers)				
Northern Mockingbird	*Mimus polyglottos*			x
California Thrasher	*Toxostoma redivivum*		x	
FAMILY: MOTACILLIDAE (Wagtails and Pipits)				
American Pipit	*Anthus rubescens*		x	
FAMILY: BOMBYCILLIDAE (Waxwings)				
Cedar Waxwing	*Bombycilla cedrorum*		x	
FAMILY: LANIIDAE (Shrikes)				
Loggerhead Shrike	*Lanius ludovicianus*	CSSC		x
FAMILY: STURNIDAE (Starlings)				
European Starling	*Sturnus vulgaris*			x

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
FAMILY: VIREONIDAE (Typical Vireos)				
Solitary Vireo	*Vireo solitarius*		x	
Hutton's Vireo	*Vireo huttoni*		x	
Warbling Vireo	*Vireo gilvus*		x	
FAMILY: EMBERIZIDAE (Wood Warblers, Sparrows, Blackbirds, and Relatives)				
Orange-crowned Warbler	*Vermivora celata*		x	
Yellow Warbler	*Dendroica petechia brewsteri*	CSSC	x	
Yellow-rumped Warbler	*Dendroica coronata*		x	
Black-throated Gray Warbler	*Dendroica nigrescens*		x	
Townsend's Warbler	*Dendroica townsendi*		x	
MacGillivray's Warbler	*Oporornis tolmiei*		x	
Common Yellowthroat	*Geothlypis trichas*		x	
Wilson's Warbler	*Wilsonia pusilla*		x	
Western Tanager	*Piranga ludoviciana*		x	
Black-headed Grosbeak	*Pheucticus melanocephalus*		x	
Lazuli Bunting	*Passerina amoena*		x	
Spotted Towhee	*Pipilo maculatus*		x	
California Towhee	*Pipilo crissalis*		x	
Savannah Sparrow	*Passerculus sandwichensis*		x	
Fox Sparrow	*Passerella iliaca*		x	
Song Sparrow	*Melospiza melodia*		x	
Lincoln's Sparrow	*Melospiza lincolnii*		x	
Golden-crowned Sparrow	*Zonotrichia atricapilla*		x	
White-crowned Sparrow	*Zonotrichia leucophrys*			x
Dark-eyed Junco	*Junco hyemalis*			x
Red-winged Blackbird	*Agelaius phoeniceus*			x
Tricolored Blackbird	*Agelaius tricolor*	CSSC	x	
Western Meadowlark	*Sturnella neglecta*			x
Brewer's Blackbird	*Euphagus cyanocephalus*			x
Brown-headed Cowbird	*Molothrus ater*			x
Bullock's Oriole	*Icterus bullockii*		x	
Hooded Oriole	*Icterus cucullatus*		x	
FAMILY: FRINGILLIDAE (Finches)				
Purple Finch	*Carpodacus purpureus*		x	
House Finch	*Carpodacus mexicanus*			x
Pine Siskin	*Carduelis pinus*		x	
Lesser Goldfinch	*Carduelis psaltria*		x	
American Goldfinch	*Carduelis tristis*		x	
FAMILY: PASSERIDAE (Weaver Finches)				
House Sparrow	*Passer domesticus*			x

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
CLASS: MAMMALIA				
ORDER: MARSUPIALIA (Opossums, Kangaroos, and Relatives)				
FAMILY: DIDELPHIDAE (Opossums)				
Virginia Opossum	*Didelphis virginiana*		x	
ORDER: INSECTIVORA (Shrews and Moles)				
FAMILY: SORICIDAE (Shrews)				
Ornate Shrew	*Sorex ornatus*		x	
FAMILY: TALPIDAE (Moles)				
Broad-footed Mole	*Scapanus latimanus*		x	
ORDER: CHIROPTERA (Bats)				
FAMILY: VESPERTILIONIDAE (Vespertilionid Bats)				
Yuma Myotis	*Myotis yumanensis*		x	
Long-eared Myotis	*Myotis evotis*		x	
Fringed Myotis	*Myotis thysanodes*		x	
Long-legged Myotis	*Myotis volans*		x	
California Myotis	*Myotis californicus*		x	
Western Pipistrelle	*Pipistrellus hesperus*		x	
Big Brown Bat	*Eptesicus fuscus*		x	
Western Red Bat	*Lasiurus blossevillii*		x	
Hoary Bat	*Lasiurus cinereus*		x	
Townsend's Big-eared Bat	*Plecotus townsendii*	CSSC	x	
Pallid Bat	*Antrozous pallidus*	CSSC	x	
FAMILY: MOLOSSIDAE (Free-tailed Bat)				
Brazilian Free-tailed Bat	*Tadarida brasiliensis*		x	
Western Mastiff Bat	*Eumops perotis*		x	
California Mastiff Bat	*E. p. californicus*	CSSC	x	
ORDER: LAGOMORPHA (Rabbits, Hares, and Pikas)				
FAMILY: LEPORIDAE (Rabbits and Hares)				
Brush Rabbit	*Sylvilagus bachmani*		x	
Desert Cottontail	*Sylvilagus audubonii*		x	
Black-tailed Hare	*Lepus californicus*			x
ORDER: RODENTIA (Squirrels, Rats, Mice, and Relatives)				
FAMILY: SCIURIDAE (Squirrels, Chipmunks, and Marmots)				
California Ground Squirrel	*Spermophilus beecheyi*			x
FAMILY: GEOMYIDAE (Pocket Gophers)				
Botta's Pocket Gopher	*Thomomys bottae*			x
FAMILY: HETEROMYIDAE (Pocket Mice and Kangaroo Rats)				
California Pocket Mouse	*Perognathus californicus*		x	
FAMILY: CRICETIDAE (Deer Mice, Voles, and Relatives)				
Western Harvest Mouse	*Reithrodontomys megalotis*		x	

Appendix B. Wildlife Species of the Rincon Redevelopment Plan Site				
Common Name	**Scientific Name**	**Status**	**Predicted**	**Occurred**
California Mouse	*Peromyscus californicus ere*		x	
Deer Mouse	*Peromyscus maniculatus*		x	
California Vole	*Microtus californicus*		x	
FAMILY: MURIDAE (Old World Rats and Mice)				
House Mouse	*Mus musculus*		x	
ORDER: CARNIVORA (Carnivores)				
FAMILY: CANIDAE (Foxes, Wolves, and Relatives)				
Red Fox	*Vulpes vulpes*		x	
Gray Fox	*Urocyon cinereoargenteus*		x	
FAMILY: PROCYONIDAE (Raccoons and Relatives)				
Ringtail	*Bassariscus astutus*	SP	x	
Raccoon	*Procyon lotor*		x	
FAMILY: MUSTELIDAE (Weasels, Badgers, and Relatives)				
Long-tailed Weasel	*Mustela frenata*		x	
Striped Skunk	*Mephitis mephitis*		x	

SPECIAL STATUS SPECIES CODE DESIGNATIONS

FE = Federally listed Endangered
FT = Federally listed Threatened
SE = State listed Endangered
ST = State listed Threatened
CSSC = California Species of Special Concern
SP = State Protected Species