Pond Management and Enhancement Project

Categorical Exemption Report

prepared by

Santa Clara Valley Open Space Authority
33 Las Colinas Lane
San José, California 95119
Contact: Galli Basson, Resource Management Specialist

prepared with the assistance of

Rincon Consultants, Inc.
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February 2021

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
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1 Introduction

This report serves as the technical documentation of an environmental analysis performed by Rincon Consultants, Inc. for the Santa Clara Valley Open Space Authority (SCVOSA) Pond Management and Enhancement Project – Ponds RC-01, RC-07 and RC-10, Rancho Cañada Del Oro Open Space Preserve ("proposed project") in unincorporated Santa Clara County, California (Figure 1). The intent of the analysis is to document whether the project is eligible for a Class 33 Categorical Exemption (CE). The report provides an introduction, project description, and evaluation of the project's consistency with the requirements for a Class 33 exemption. This includes an analysis of the project's potential impacts in the areas of biological resources, hazardous materials, and cumulative impacts. The report concludes that the project is eligible for a Class 33 CE.

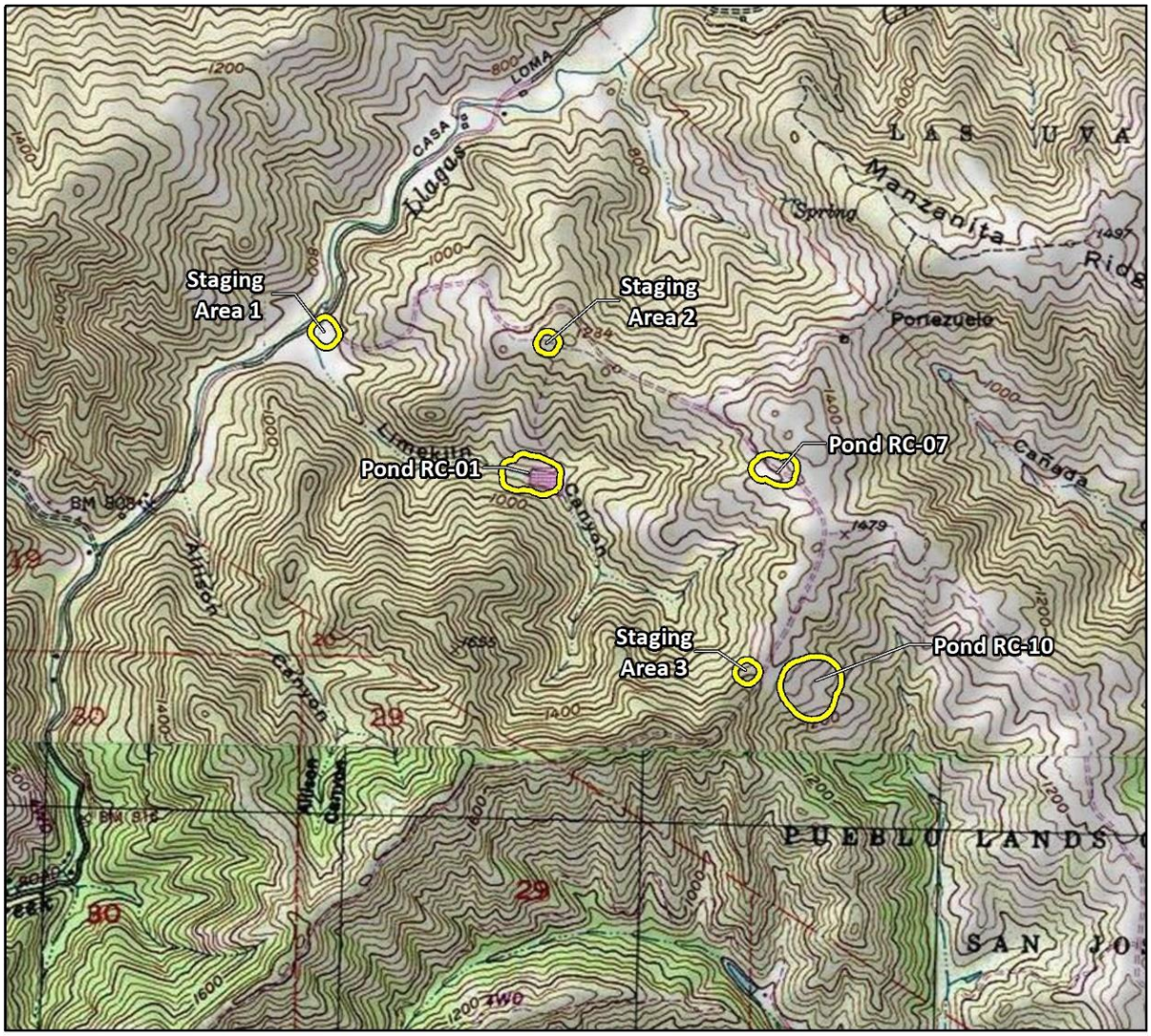
SCVOSA proposes to adopt a Class 33 CE for the project at Rancho Canada Del Oro Open Space Preserve. The *CEQA Guidelines* Section 15333 states that a Class 33 CE may be adopted for small habitat restoration projects (not exceeding five acres in size) to assure the maintenance, restoration, enhancement, or protection of habitat for fish, plants, or wildlife provided that:

- There would be no significant adverse impact on endangered, rare or threatened species or their habitat pursuant to section 15065,
- There are no hazardous materials at or around the project site that may be disturbed or removed, and
- The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Additionally, *CEQA Guidelines* Section 15300.2 outlines exceptions to the applicability of a CE, including cumulative impacts, significant effects due to unusual circumstances, scenic highways, hazardous waste sites, and historical resources. A full listing of these exceptions and an assessment of their applicability to the proposed project is provided in Section 4 of this report.

Rincon Consultants, Inc. evaluated the project's consistency with the above requirements, including its potential impacts in the areas of biological resources, hazardous materials, and the additional exceptions to exemptions to confirm the project's eligibility for the Class 33 exemption. The consistency of the proposed project with these requirements is provided in Section 4 of this report.

Figure 1 Regional Location



Imagery provided by National Geographic Society, Esri and its licensors © 2020. Santa Teresa Hills Quadrangle. T09S R02E S20,2128,29. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may havechanged since the original topographic map was assembled.

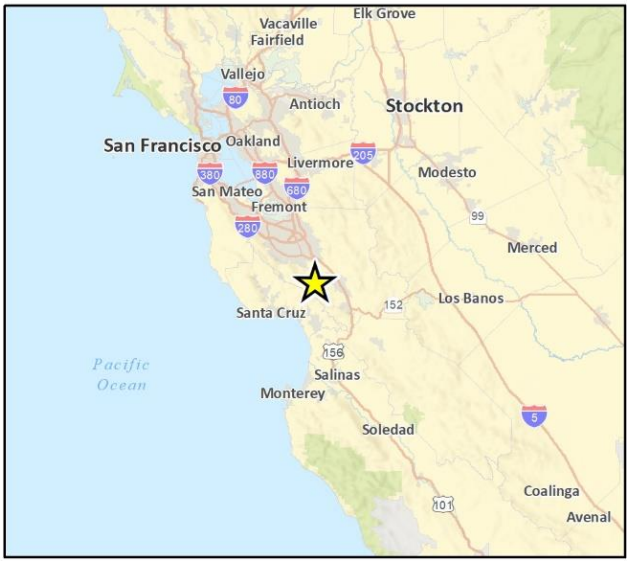


Fig 1 Regional Location

2 Project Description

The proposed project is intended to enhance habitat for California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and western pond turtle (*Actinemys marmorata*) by restoring three ponds (RC-01, RC-07 and RC-10), including repairing the earthen embankments, adding or improving overflow spillways to Ponds RC-01 and RC-10, adding drains to Ponds RC-01 and RC-10 to control American bullfrog (*Lithobates catesbeianus*) populations, and deepening RC-10 to increase ponding duration. All ponds are located high in the watershed and were cut into natural drainages. The specific goals of the project include the following:

- Enhance habitat for California red-legged frog, California tiger salamander, and western pond turtle and other species in ponds RC-01, RC-07 and RC-10;
- Enlarge and deepen Pond RC-10 to increase ponding duration;
- Rebuild berm of Pond RC-07 to maintain California red-legged frog breeding habitat;
- Establish temporary measures on Pond RC-07 for the purpose of extending the life of pond till California red-legged frog can establish breeding habitat in surrounding ponds;
- Increase wetland vegetation to enhance California red-legged frog habitat and protect with partial cattle exclusion fencing; and
- Reduce non-native fish and bullfrog populations at pond RC-01.

To achieve the goals listed above, the proposed project would involve improving outflows, reenforcing existing berms, and installing an exclusion fence. Construction of the proposed project is anticipated to begin in July 2021 and continue through September 2021, for a three-month construction period. Access to each pond would be provided by stabilized construction entrances reinforced with corrugated steel panels along a dirt road that extends southwest from the Rancho Cañada Del Oro Trail parking lot. Three equipment staging areas and soil material borrow sites, ranging from 375 square feet to 1,500 square feet in size, would be located near the ponds, and immediately off the dirt access road. Table 1 shows a detailed project breakdown for each pond shown in Figure 2a through Figure 2e.

Table 1 Project Characteristics

Pond	Proposed Project Activities	Temporary Dewatering Required
RC-01	▪ Improve outflow spillway with the installation of an 8-inch drain on the floor of the pond and two 24-inch overflow high-density polyethylene (HDPE) pipes placed on the western side berm ▪ Improve outflow with the creation of three stilling basins that create a small waterfall ▪ Install partially submerged basking logs anchored by 400-pound rocks buried beneath the pond edge	Yes
RC-07	▪ Reenforce western side of the berm with approximately 24 cubic yards of compacted soil fill ▪ Install new outfall spillway with approximately 15 cubic yards of soil	Yes
RC-10	▪ Grade pond to accommodate new wetland enhancement area ▪ Install exclusion fence to protect wetland from grazing cattle ▪ Excavate earthen berm to install new outfall spillway ▪ Install 8-inch drainpipe and 24-inch overflow HDPE pipes to direct water flow to rock energy dissipator on eastern side of pond ▪ Install partially submerged basking logs anchored by 400-pound rocks buried beneath the pond edge	No

Figure 2a Study Area: Pond RC-01

Figure 2b Study Area: Pond RC-07

Figure 2c Study Area: Pond RC-10 and Staging Area 3

Figure 2d Study Area: Staging Area 1

Imagery provided by Microsoft Bing and its licensors © 2020.

Figure 2e Study Area: Staging Area 2

3 Existing Site Conditions

The study area is located within Rancho Cañada del Oro Open Space Preserve near Limekiln Canyon in unincorporated Santa Clara County. It sits along the eastern foothills of the Santa Cruz Mountains, situated west of the southern end of the Santa Clara Valley and the City of Morgan Hill. The study area occurs primarily along Twin Creeks Road, a dirt access road along a ridge top and was historically used as ranch land. The area is not yet open to the public.

The existing site description and analysis following this section is based on a Biological Resources Assessment (BRA) conducted in February 2021 by Rincon Consultants, Inc. for the project site and surrounding area (Appendix A). The BRA for the project consisted of a review of relevant literature and databases query results, a field reconnaissance survey and jurisdictional delineation to verify land cover/vegetation communities and determine which sensitive biological resources are present or may occur at the site, and an evaluation of the proposed project activities to determine potentially significant impacts under CEQA.

Of the 20.48-acre study area, the disturbance area covers 1.52 acres, and encompasses the total footprint of the ponds and the proposed staging areas and borrow sites. (see Figure 2a through Figure 2e, above). The study area was evaluated to support siting and project design planning that would avoid sensitive biological resources if applicable. This includes the temporary and permanent impact areas at the ponds, proposed staging areas, and a buffer to evaluate potential effects. The effects of permanent impacts are considered in the context of a project for which the entire purpose is to improve habitat for special status species and biological resources on SCVOSA lands. The study areas at Pond RC-01, Pond RC-07, and all staging areas include a 100-foot buffer. The study area at Pond RC-10 includes a 250-foot buffer, to allow flexibility while the design for RC-10 is finalized.

3.1 Topography and Soils

The study area sits at approximately 800 feet to 1400 feet above mean sea level, with the topography of the area being characterized by rolling foothills and canyons. Adjacent land uses include recreational use (open space), rural residential, ranch lands, and undeveloped land.

There are five soil map units within the study area (U.S. Department of Agriculture [USDA] 2019): Zamora loam, 2 to 9 percent slopes; Vallecitos rocky loam, 15 to 30 percent slopes, eroded; Vallecitos loam, 30 to 75 percent slopes, eroded; Los Gatos gravelly loam, 50 to 75 percent slopes; and Mouser-Katykat-Sanikara complex, 50 to 75 percent slopes. None of the soils mapped within the study area are listed as hydric soils. However, hydric soils were observed during soil sampling.

3.2 Natural Community and Land Cover Types

Nine terrestrial vegetation communities or other land cover types were identified within the study area during field surveys. The vegetation community characterizations for this analysis were based on the classification systems presented in *A Manual of California Vegetation, Second Edition* ([MCV2] Sawyer et al. 2009) but have been modified slightly to most accurately reflect the existing site conditions. These communities and land cover types include California Annual Grassland, Mixed

Riparian Woodland and Forest, Mixed Oak Woodland and Forest, Valley Oak Woodland, Blue Oak Woodland, Seasonal Wetland, Rock Outcrop (Non-Serpentine), Developed Barren, and Pond.

3.3 General Wildlife

The study area and its surroundings provide habitat for wildlife species that commonly occur in inland foothills and oak woodland habitats as well as isolated aquatic habitats and stock ponds. Avian species observed/detected on or adjacent to the site include American crow (*Corvus brachyrhynchos*), chestnut-backed chickadee (*Poecile rufescens*), red-tailed hawk (*Buteo jamaicensis*), California quail (*Callipepla californica*), white-breasted nuthatch (*Sitta carolinensis*), acorn woodpecker (*Melanerpes formicivorus*), Steller's jay (*Cyanocitta stelleri*), Canada goose (*Branta canadensis*), and red-winged blackbird (*Agelaius phoeniceus*). Terrestrial species observed/detected include California mule deer (*Odocoileus hemionus californicus*) and western fence lizard (*Sceloporus occidentalis*). Several species of butterflies were also observed, including variable checkerspot (*Euphydryas chalcedona*), California sister (*Adelpha californica*), and western tiger swallowtail (*Papilio rutulus*). Aquatic species observed at Pond RC-01 include coast gartersnake (*Thamnophis elegans terrestris*), western pond turtle, Sierran treefrog (*Pseudacris sierra*), and blue gill (*lepomis macrochirus*). At Pond RC-07 tree frog, western toad (*Bufo boreas*), and California red-legged frog were observed. Only tree frogs were observed at Pond RC-10.

3.4 Special-Status Biological Resources

Forty-six (46) special-status plant species are known to occur in the region but due to a lack of suitable habitats, none were observed during the BRA study (Appendix A). Special-status plant species typically have specialized habitat requirements, including plant community types, soils, and/or elevational ranges. Due to the lack of coniferous forest, scrub, and chaparral habitats, Zayante sand hills, and serpentine soils some species could be eliminated from the potential to occur. Additionally, perennial shrubs and species that would have been blooming in May could also be eliminated. Based on this evaluation no special-status plant species are expected to occur in the study area.

Thirty-nine (39) special-status wildlife species were evaluated for their potential to occur within the study area, based on the nine-quadrangle search radius and biological expertise of species known to occur in the region. These species were reviewed for potential to occur within the study area (see Appendix A), and 12 species were found to have potential to occur or were observed in the study area. The remaining species could be eliminated based on the species-specific habitat requirements and lack of suitable habitat (e.g., perennial streams and rivers, Zayante Sand Hills, large marshes) within the study area.

Special-status wildlife species with the potential to occur include least Bell’s vireo lowland riparian (*Vireo bellii pusillus)*, Bay checkerspot butterfly (*Euphydryas editha bayensis)*, foothill yellow-legged frog (*Rana boylii)*, California red-legged frog, coast rand newt (*Taricha torosa*), western pond turtle, Cooper’s hawk (*Accipiter cooperii*), tri-colored blackbird (*Agelaius tricolor*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), American badger (*Taxidea taxus*), and native nesting birds. Three of these species are covered under the Santa Clara Valley Habitat Conservation Plan (SCVHCP): bay checkerspot butterfly, tri-colored blackbird, and burrowing owl.

There are no federally designated critical habitats within or adjacent to the study area but there are three critical habitats within five miles: Bay checkerspot butterfly (approximately 1.5 miles north), California tiger Salamander (approximately 2 miles north east), and steelhead (South-Central California Coast DPS) (approximately 4 miles south east). The valley oak woodland is considered a sensitive vegetation community by CDFW with a California rare plant rank (CRPR) of G3 S3.

3.5 Jurisdictional Waters and Wetlands

Rincon also conducted a jurisdictional delineation and prepared a jurisdictional delineation report in support of the project (Rincon 2020; Appendix B). Three ponds, three intermittent streams, three ephemeral drainages, and four isolated wetlands were observed in the study area. Photographs of the study area and potentially jurisdictional waters can be found in Figure 3.

Pond RC-01

Pond RC-01 is a perennial pond that holds water throughout the year and is a man-made stock pond. Pond RC-01 is located approximately 0.5 mile south east of Casa Loma Road at the bottom of Limpkin Canyon approximately 0.5 mile east of the confluence with Llagas Creek. The pond is approximately 1.34 acres measuring 170 feet from north to south and 370 feet from east to west. The western side of the pond has been modified with the construction of an earthen berm. The pond is classified in the National Wetlands Inventory (NWI) as 'permanently flooded' and has been created or modified by a man-made barrier or dam that obstructs inflow and outflow of water (USGS 2020, USFWS 2020a).

Pond RC-07

Pond RC-07 is located approximately 0.43mile east of Pond RC-01 directly adjacent to an unpaved access roadway. Pond RC-07 is an approximately 0.06-acre man-made stock pond that is predominantly fed by roadway drainage and upland runoff directed by a culvert to the eastern side of the pond. The pond is seasonal but may hold water perennially during high precipitation years. A large culvert that directs overflow at the southwestern side of the pond discharges into a large ephemeral drainage. Pond RC-07 contains a large cattail stand and a wetland fringe. Erosion of the pond wall on the southside was observed allowing water to slowly drain from the pond. The pond is classified in NWI as 'permanently flooded' and has been created or modified by a man-made barrier or dam that obstructs inflow and outflow of water (USGS 2020, USFWS 2020a).

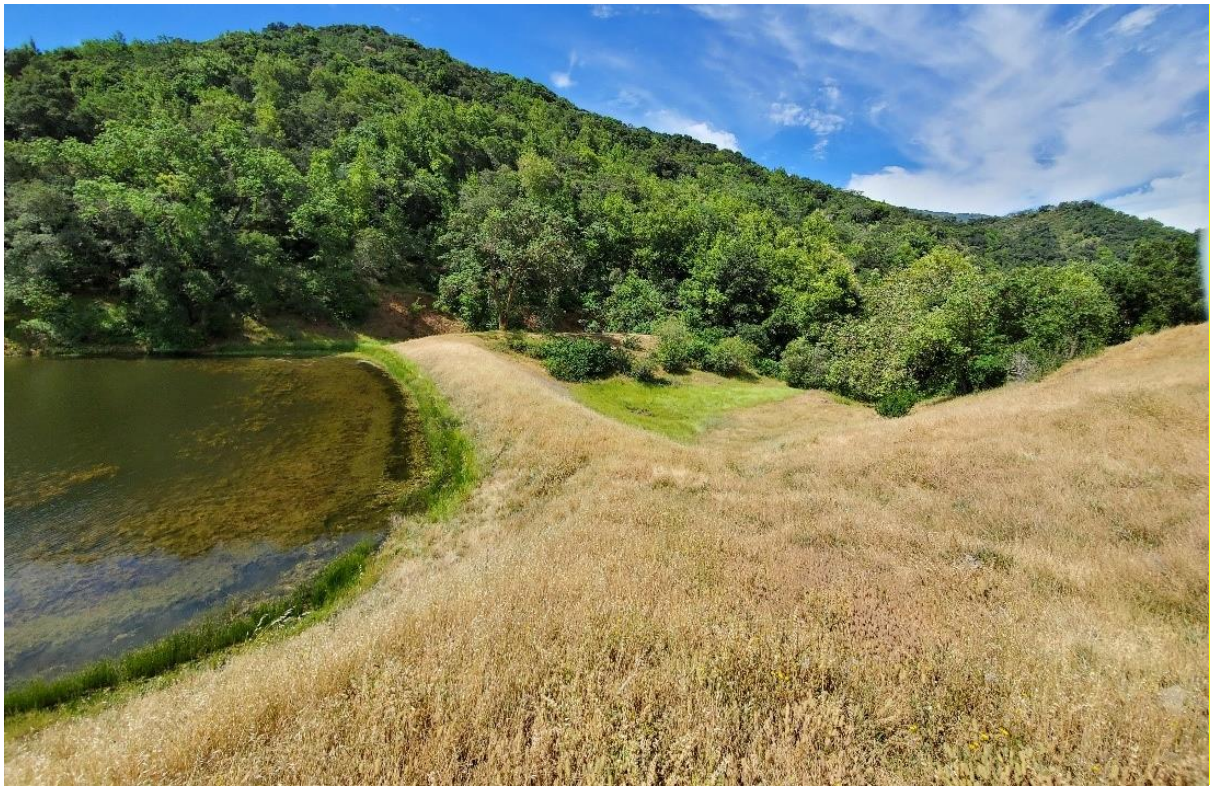
Pond RC-10

Pond RC-10 is located approximately 0.5 mile southeast of Pond RC-07 (Rincon 2020; Appendix A). Pond RC-10 is an approximately 0.05-acre man-made, shallow seasonal stock pond that is primarily fed by upland runoff and ground water seepages. A constructed earthen berm lines at the southeast side of the pond that captures water during precipitation events. A wetland fringe lines the pond edge. This pond is not classified in NWI.

Intermittent Streams

Three intermittent streams were observed with direct connectivity to Pond RC-01. Intermittent Stream 1 enters Pond RC-01 from the northeast. The stream has an ordinary high-water mark (OHWM) defined by a defined bed and bank, change in vegetation, transition from cobble substrate to loam, scour banks with exposed roots. The OHWM spans approximately two feet wide. A narrow

Figure 3 Photographs of the Project Site



Photograph 1. The berm at the west end of RC-01, facing south.

Photograph 2. The existing outfall at the west end of RC-01, facing east.

Photograph 3. RC-07, facing west.

Photograph 4. The existing outfall at the west side of RC-07, facing southeast.

Photograph 5. The eroding berm below the fence at RC-07, facing west.

Photograph 6. RC-10, facing northwest.

Photograph 7. The existing outfall at the west side of RC-07, facing southeast.

Photograph 8. Staging Area 2 above RC-01, facing west.

strip of buckeye (*Aesculus californica*) and coast live oak extends approximately 10 feet on either side of the OHWM. Although the stream lacked water during the survey, this stream contains water flow during and immediately following a rain event, and likely maintains some level of flow for an extended period after rain events. Intermittent Stream 1 receives water upstream from Pond RC-07. This stream is classified in NWI as 'seasonally flooded, intermittent riverine' (USFWS 2020a).

Intermittent Stream 2 enters Pond RC-01 from the southeast side. The OHWM spans approximately three feet in width and defined by a bed and bank, change in vegetation species and density, exposed roots along the eroded banks, and scour. Banks were vegetated with mugwort, poison oak, arroyo willow, California bay and snowberry. The riparian vegetation extends approximately 25 feet from the edge of the OHWM on either side. This stream is classified in NWI as well as 'seasonally flooded, intermittent riverine' (USFWS 2020a).

Intermittent Stream 3 is the outfall of Pond RC-01 in an excavated channel adjacent to the hillslope for approximately 25 feet before it enters the natural streambed. The excavated section of the stream contains dispersed wetland vegetation within the defined OHWM. Standing water was observed for approximately 20 feet downstream of the pond within the stream. Water was present in small pools with a depth of two inches within the natural streambed with a OHWM of approximate five feet in width defined by a well-defined bed and bank, change in vegetation density, exposed roots along the eroded banks, change in substrate and water line along the bank. Adjacent riparian corridor extends between 50 and 80 feet from the edge of the OHWM on either side. Mixed Riparian Woodland and Forest habitat associated with Intermittent Stream 3 was observed within the study area at the northernmost staging area.

Ephemeral Streams

Three ephemeral drainages were observed within the study areas. Ephemeral Drainage 1 begins from an outfall corrugated pipe culvert below Pond RC-07. The drainage flows in a southern direction downslope. The incised channel, approximately 20 feet in height, contains an approximately one-foot-wide bed and is vegetated with upland annual grasses, Italian thistle (*Carduus pycnocephalus)*, fiddle dock (*Rumex pulcher*) and mountain dandelion (*Agoseris heterophylla).* The top of the bank spans approximately 12 feet across. Ephemeral Drainage 1 is classified by NWI as a 'seasonally flooded, intermittent riverine' (USFWS 2020a); however, in-channel upland vegetation and the lack of defining OHWM indicators of intermittent flow characterize this drainage as ephemeral.

Ephemeral Drainage 2 begins downslope of Pond RC-10, downstream of Isolated Wetland 4 (discussed below) and meanders downslope through coast live oaks with a one-foot-wide vegetated bed and steep banks approximately five feet wide.

Ephemeral Drainage 3 begins downslope of Pond RC-10 below erosion downslope of a cattle trail and meanders downslope and to the south through annual grasslands. During high precipitation events Pond RC-10 may outflow into Ephemeral Drainage 3. Ephemeral Drainage 3 contains a one-foot wide bed, sparsely vegetated with annual grasses and steeply incised banks at a height of six feet.

Isolated Wetlands

Four (4) isolated wetlands (Seasonal Wetland) were observed within the vicinity of ponds RC-07 and RC-10. One (1) at Pond RC-07 and three (3) at Pond RC-10.

Isolated wetland 1 is located downstream of the break in Pond RC-07 wall, where a patch of dominant hydrophytic vegetation was observed. All three USACE wetland parameters were observed at isolated wetland 1, with dominant common spikerush and annual beard grass, standing water and gleyed soils (Rincon 2020; Appendix B). Groundwater seepage from Pond RC-07 and water seeping from the break in the pond side may congregate along the hillslope to create Isolated Wetland 1.

Isolated wetlands 2, 3, and 4 occur at Pond RC-010. Isolated wetland 2 occurs along a seep above the pond, and Isolated wetland 3 occurs immediately east of the pond, and Isolated wetland4 occurs below the pond berm. Isolated Wetland 4 is downslope of the constructed berm on the south side of Pond RC-10. Drainage patterns suggest that during above average rain events, water from Pond RC-10 overtops the berm and flows towards the ephemeral drainage down the hillslope as well as seeps under the constructed berm and is concentrated where Isolated Wetland 4 resides. Standing water, gleyed soils along and hydrophytic vegetation dominated by sedge was observed, therefore all three USACE wetland parameters were observed at Isolated Wetland 2, 3, and 4 (Rincon 2020; Appendix B).

3.6 Wildlife Movement

Wildlife movement corridors, or habitat linkages, are generally defined as connections between habitat patches that allow for physical and genetic exchange between otherwise isolated animal populations. Such linkages may serve a local purpose, such as providing a linkage between foraging and denning areas, or they may be regional in nature. Some habitat linkages may serve as migration corridors, wherein animals periodically move away from an area and then subsequently return. Other corridors may be important as dispersal corridors for young animals. A group of habitat linkages in an area can form a wildlife corridor network.

Habitats within a habitat linkage do not necessarily need to be identical to those habitats being linked. Rather, the linkage needs only to contain sufficient cover and forage to allow temporary utilization by species moving between core habitat areas. Habitat linkages are typically contiguous strips of natural areas, though dense plantings of landscape vegetation can be used by certain disturbance-tolerant species. Some species may require specific physical resources (such as rock outcroppings, vernal pools, or oak trees) within the habitat link for the linkage to serve as an effective movement corridor, while other more mobile or aerial species may only require discontinuous patches of suitable habitat to permit effective dispersal and/or migration. Wildlife movement corridors may occur at either large or small scales.

Wildlife movement corridors can be both large and small scale. Riparian corridors and waterways including the Limekiln Canyon, the surrounding ridgetops, and access roads provide local scale opportunities for wildlife movement through the study area for common species such as fox, coyote, raccoon, skunk, deer, and bobcat. On a larger scale a natural landscape block and Essential Connectivity Area is mapped within the study area in the Biogeographic Information and Observation System (Spencer et al. 2010). This landscape block and linkage connects the Santa Cruz Mountains with natural habitats along the San Francisco Peninsula and southern Diablo Range. The study area occurs primarily within undeveloped areas, with little existing barriers for wildlife movement.

4 Consistency Analysis

4.1 Criterion (a)

There would be no significant adverse impact on endangered, rare, or threatened species or their habitat pursuant to section 15065.

There are no federally designated critical habitats within or adjacent to the study area but there are three critical habitats within five miles: bay checkerspot butterfly (approximately 1.5 miles north), California tiger Salamander (approximately 2 miles north east), and Steelhead (South-Central California Coast DPS) (approximately 4 miles south east). The valley oak woodland is considered a sensitive vegetation community by CDFW with a CRPR of G3 S3.

No special-status pant species are expected to occur within the study area due to the lack of species -specific habitat requirements and lack of known occurrences in the vicinity. Therefore, there would be no significant adverse impact to special-status plant species.

As described further in the BRA for the proposed project (Appendix A), the study area contains potentially suitable habitats for special-status species and nesting birds. Out of the 39 special-status wildlife species known to occur in the area, 12 were found to have potential to occur in the study area. These include least Bell's vireo, Bay checkerspot butterfly, foothill yellow-legged frog, California red-legged frog, Coast range newt, western pond turtle, Cooper's hawk, tri-colored blackbird, golden eagle, burrowing owl, white-tailed kite, American badger, and native nesting birds. Three of these species are covered under the SCVHCP: Bay checkerspot butterfly, tri-colored blackbird, and burrowing owl. More information on species with potential to occur and specific direct and indirect impacts to special-status species is available in Appendix A.

The purpose of the proposed project is to restore and enhance three ponds in the Rancho Cañada Del Oro Open Space Preserve that have become degraded. The project would involve repairing the earthen embankments at Pond RC-07, adding or improving overflow spillways to Ponds RC-01 and RC-10, adding drains to Ponds RC-01 and RC-10 to control American bullfrog (*Lithobates catesbeianus*) populations, and deepening RC-10 to increase ponding duration. These project activities would increase habitat value for listed species and restore wetlands features, providing a long-term environmental benefit.

Although the project is aimed at increasing habitat value, temporary impacts could occur during construction and restoration activities in the disturbance area. Restoration of the ponds would involve the use of heavy equipment to cut and fill soils and grade the ponds to achieve improved hydrological conditions. The use of heavy equipment may result in disturbance of upland and aquatic communities, which could result in adverse impacts to special-status species or their respective habitats. Impacts to aquatic species including foothill yellow-legged frog, California red-legged frog, and coast range newt could also occur if equipment, spills, debris, etc. inadvertently enter wetland habitats, or if wetlands are drained resulting in mortality of aquatic species' egg masses or larvae. Impacts may also occur if active nests are present in undeveloped and landscaped areas adjacent to active construction or staging through disturbance and nest abandonment.

However, as the proposed project is within the SCVHCP area and the SCVOSA has initiated permitting under the HCP, the proposed project would be required to conform to the HCP permit conditions. Coverage under the SVCHCP would require compliance with the National Pollutant

Discharge Elimination System (NPDES). A Storm Water Pollution Prevention Plan (SWPPP) may be required (determined through the permitting process), which would specify Best Management Practices (BMP) for spill/debris prevention. Additionally, design features incorporated into the project, as described below, would ensure there would be no significant adverse impact on endangered, rare, threatened, or special-status species and their habitats.

Project Design Features

Certain project design features have been incorporated into the proposed project to avoid impacts to biological resources. Habitat plan conditions are also required in compliance with the Habitat Plan. SCVOSA proposed design features are describe in detail below.

Design Feature 1 Worker Environmental Awareness Program (WEAP)

Prior to initiation of construction activities (including staging and mobilization) all personnel associated with project construction will attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special status resources that may occur in the construction area. The specifics of this program will include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information will also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees will sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The form will be submitted to SCVOSA to document compliance.

Design Feature 2 Bay Checkerspot Butterfly Host Plant Surveys and Mitigation

Prior to on-site activities an approved biologist will conduct surveys for owl's clover, host plants of Bay checkerspot butterfly in areas of suitable habitat.

If no Bay checkerspot butterfly host plants are located, no further action is required. If host plants are located within proposed disturbance areas, they will be avoided if feasible. If avoidance is not feasible, the plants will be buffered by a minimum of 25 feet and demarcated as an ESA with high-contrast construction flagging, and no construction activity will be allowed within the buffered avoidance area. If construction will be required within the buffer area, a biological monitor will be present for all work within the buffer avoidance area to ensure no direct impacts to host plants.

If avoidance is not feasible, focused surveys will be conducted to determine presence or absence of the butterfly species. This may include surveys during the adult flight period (between late February and early May), and/or inspection of host plants for all life forms (egg, larva, pupa, and adult). If individuals of any life stage that may be impacted by the proposed project are detected during focused surveys, the plant cannot be disturbed without take authorization from USFWS. Only a USFWS permitted biologist will be allowed to relocate occupied host plants.

Design Feature 3 California Red-Legged Frog, Foothill Yellow-Legged Frog, and Western Pond Turtle Avoidance and Minimization

SCVOSA will require that the following actions be taken prior to and during project activity as applicable:

- Immediately prior to construction activities, a qualified biologist will conduct a pre-construction clearance survey for California red-legged frog (CRLF), western pond turtle (WPT), and foothill yellow-legged frog (FYLF) of potential habitat within the project footprint and a 250-foot buffer zone. If any CRLF or FYLF are found the biologist will notify USFWS and/or CDFW. Relocation of CRLF from within the project area will only be conducted with USFWS and CDFW approval. Relocation of FYLF and WPT from within the project area will only be conducted with CDFW approval.
- Construction activities including draining the ponds, excavation, fill, vegetation removal, or other ground-disturbing activities within or immediately adjacent to CRLF and FYLF potential breeding habitat will be confined to the dry season (June 15 to October 31). To the extent possible, construction activities will not occur during the wet season (November to June).
- During construction a qualified biological monitor will be present during all work on site, including mobilization and installation of silt fencing. The qualified biologist will inspect the site for CRLF, WPT, and FYLF throughout the day and will have authority to stop work if special-status species are observed in the work area or may be injured or killed during construction.
- If CRLF, WPT, or FYLF are found by any person in the project site before or during construction activities, all work that could potentially cause harm will stop immediately until the qualified biologist can relocate the individual (if approval has been granted by USFWS and/or CDFW as required). If CRLF are killed or injured during construction all work will stop and USFWS and CDFW will be contacted immediately (within 24 hours). If FYLF are killed or injured during construction all work will stop and CDFW will be contacted immediately (within 24 hours).
- The contractor will monitor the National Weather Service 72-hour forecast for the Project Area. If a 70 percent or greater chance of rainfall is predicted within 72 hours, construction activities will cease in all areas where initial ground disturbance (vegetation removal, grading, excavation, etc.) has yet to finish until a zero percent chance of rain is forecast. Work may continue 24 hours after the rain ceases and there is zero percent chance of precipitation in the 72-hour forecast. The qualified biologist will re-survey the work area to before construction may resume to capture and relocate any CRLF, WPT, or FYLF that are discovered during the surveys.
- All equipment will be clean and free of mud, dirt, and vegetation before arriving onsite.
- All personnel entering aquatic habitats will decontaminate any boots or waders prior to entering the water. Decontamination procedures will follow the guidance in Appendix B of the Revised Guidance on Site Assessments and Field Surveys for the California Red-legged Frog (USFWS 2005).
- During draining of the ponds and on-site construction any American bullfrog or non-native fish observed will be permanently removed from the environment wherever possible.

Design Feature 4 Wildlife Entrapment Prevention

To prevent the inadvertent entrapment of wildlife, the SCVOSA will require that all excavated, steep-walled holes or trenches will be covered at the end of each workday with plywood or similar materials, or alternatively, that one or more escape ramps constructed of earth fill or wooden planks (no greater 45 degrees) will be established in any uncovered hole or trench. Before holes or trenches are filled, the SCVOSA will require they be thoroughly inspected for any entrapped animals. Any wildlife observed will be allowed to leave the excavation of its own accord.

Design Feature 5 Trash Disposal

During project activities, the SCVOSA will require that all trash that may attract wildlife be properly contained, removed from the work site, and disposed of on a daily basis, and that following construction, all remaining trash and any construction debris will be removed from work areas.

Design Feature 6 Nesting Bird Avoidance

The project will implement nesting bird avoidance measures for nesting birds protected under the California Fish and Game Code (CFGC). Because of the anticipated construction activity constraints during the rainy season (which generally coincides with the avian non-nesting season), much of the project activity will occur during the avian nesting season (generally February 1 to August 31). The SCVOSA will have a qualified biologist conduct nesting bird surveys no more than 14 days prior to initiation of construction activities, including construction staging and vegetation removal. The surveys will include the entire disturbance area plus a 200-foot buffer. Surveys for tricolored blackbird at Pond RC-07 will require a 250-foot survey buffer, and an additional survey will be completed no more than two days prior to construction.

If active nests are located, SCVOSA will require that avoidance buffers are established as determined by the qualified biologist, and no construction work will be allowed within the avoidance buffer. SCVOSA will require that avoidance buffers be a minimum of 50 feet for non-raptor bird species and a minimum of 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The biologist will have full discretion for establishing a suitable buffer. SCVOSA will require that avoidance buffer area(s) be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist will confirm that breeding/nesting is completed, and young have fledged the nest prior to removal of the buffer.

Design Feature 7 Riparian Avoidance and Minimization

SCVOSA will require that, to the maximum extent possible, all work and heavy equipment be located outside of riparian habitat. For work at Pond RC-01 and the staging area at Llagas Creek, the edge of work or the boundary of riparian habitat will be demarcated for avoidance with high visibility fencing. The smallest, least impactful equipment feasible to complete project tasks in riparian habitat will be required. When trimming of riparian vegetation is necessary, this work will be done under the supervision of a certified arborist. SCVOSA will require that the following actions will be implemented to avoid the spread of invasive weeds.

- All tools, equipment, vehicles, clothing, boots, and other gear swill be cleaned prior to entering and again before exiting the site. Removed weed materials will be placed in closed containers for disposal.
- To promote the establishment of native cover species, all temporarily disturbed areas will be seeded or planted with a mix of locally native species upon completion of work.

Design Feature 8 General Waters and Wetlands Avoidance and Minimization

SCVOSA will require that the following actions will be implemented to avoid effects to wetlands and waters:

- Any material/spoils generated from project activities will be located away from jurisdictional areas or special-status habitat and protected from storm water run-off using temporary

perimeter sediment barriers such as berms, silt fences, fiber rolls (non- monofilament), covers, sand/gravel bags, and straw bale barriers, as appropriate.

- Materials will be stored on impervious surfaces or plastic ground covers to prevent any spills or leakage from contaminating the ground and generally at least 50 feet from the top of bank.
- Any spillage of material will be stopped if it can be done safely. The contaminated area will be cleaned, and any contaminated materials properly disposed. For all spills, the project foreman or designated environmental representative will be notified.

4.2 Criterion (b)

There are no hazardous materials at or around the project site that may be disturbed or removed.

In 2004, Rancho Cañada del Oro was established as a protected open space preserve which restricted activities that might result in hazardous conditions. According to a search of the State Water Resources Control Board (SWRCB) GeoTracker database, the Department of Toxic Substances Control (DTSC) EnviroStor database, the California Environmental Protection Agency (CalEPA) list of solid waste disposal sites, and CalEPA list of active cleanup orders conducted in February 2021, there are no active designated active hazardous waste sites on or within a quarter-mile radius of the project vicinity (SWRCB 2021, DTSC 2021a, CalEPA 2016a, 2016b). Therefore, there are no hazardous materials at or around the disturbance area that may be disturbed or removed as part of the proposed project.

4.3 Criterion (c)

The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The purpose of the proposed project is to enhance habitat value of the ponds and increase the function of wetlands. All ponds proposed for enhancement are located high in the watershed and were cut into natural drainages. Pond RC-01 has become a habitat for invasive bullfrog species. Pond RC-07 has significant downslope stability concerns potentially resulting from seepage through the earthen embankment. Pond RC-10 has limited vegetation and is in need of enhancement to create better habitat for target species. In addition to habitat concerns for the specific ponds, the poor conditions of the berms of ponds RC-07 and RC-10 are contributing excess sediment to the downstream receiving waters. The proposed project would include repairing the earthen embankments at Pond RC-07, adding or improving overflow spillways to Ponds RC-01 and RC-10, adding drains to Ponds RC-01 and RC-10 to control American bullfrog populations, and deepening RC-10 to increase ponding duration. These project activities would increase habitat value for listed species and restore wetlands features, thus contributing to the SCVOSA's goals of protecting endangered species while providing opportunities for recreation and beneficial use. Therefore, positive impacts to these features would occur as a result of the project.

Similarly, other planned and pending projects in and near the project area are aimed at restoring habitats and expanding conservation efforts and as such, do not contribute to cumulative impacts in and near the project area. Nearby cumulative projects are included in Table 2. As described above under Section 4.1, *Criterion (a)*, the project would not adversely affect biological resources with implementation of project design features and SWPPP Best Management Practices (BMPs). The proposed project would instead promote restoration of wetlands features, and would not adversely

affect biological, aesthetic, or other physical resources outside of the disturbance area. Other impacts, such as increases in noise, air pollutants, and greenhouse gas emissions would be temporary and short-term during the construction period, and the proposed project's contribution would not be cumulatively considerable. Thus, the effects of the proposed project would not combine with impacts from other projects in the vicinity to result in a significant cumulative impact.

Table 2 Cumulative Projects List

Cumulative Project	Description	Project Status
Rancho Cañada del Oro		
Rancho Cañada del Oro Open Space Preserve	The project consists of an expansion of the open space preserve into the former Blair Ranch area through the installation of a bridge over the Llagas Creek	Permitting and Environmental Review
Coyote Valley		
Coyote Valley Open Space Preserve Expanded Public Access	The project aims to expand Heart's Delight Trail and provide amenities such as overlooks and seating for visitors	Environmental Review
North Coyote Valley Conservation Area	The project includes elements of floodplain and habitat restoration, economic development, and agriculture	Planning

Source: SCVOSA 2021

4.4 Exceptions to CE Applicability

The applicability of CEs is qualified by the exceptions listed in Section 15300.2(a) through (f) of the *CEQA Guidelines*. In the discussion below, each exception (in italics) is followed by an explanation of why the exception does not apply to the proposed project.

15300.2(a) ***Location****. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

SCVOSA does not propose to adopt a Class 3, 4, 5, 6, or 11 CE, and these classes of CEs are not applicable to the proposed project. Additionally, there are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies on the project site, such as critical habitat for listed threatened or endangered species (USFWS 2020a, 2021a). According to a search of the SWRCB GeoTracker database, the DTSC EnviroStor database, the CalEPA list of solid waste disposal sites, and CalEPA list of active cleanup orders conducted in February 2021, there are no active designated active hazardous waste sites on or within the project vicinity (SWRCB 2021, DTSC 2021a, CalEPA 2016a, 2016b).

The project site is in an area that contains sensitive environmental resources including habitat for special-status species and jurisdictional wetlands. As described above under Section 4.1, C*riterion (a)*, design features incorporated into the project, as described below, and spill/debris prevention as required by the SWPPP would reduce impacts to sensitive environmental resources, such as

wetlands or wildlife, to less than significant without mitigation. Therefore, this exception to a CE does not apply to the proposed project.

15300.2(b) ***Cumulative Impact****. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

As described under Section 4.3, *Criterion (c)*, above, the proposed project would not contribute to a cumulative impact of successive projects of the same type in the same place, over time. Therefore, this exception to a CE does not apply to the proposed project.

15300.2(c) ***Significant Effect****. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

As described under Sections 4.1 and 4.2, above, the proposed project would not result in any significant effects relating to biological resources or hazardous materials. The purpose of the proposed project is to enhance habitat and improve wetland functions in an open space preserve, which is similar in nature to several other projects in the area, as shown above in Table 2. The project is located at Rancho Cañada Del Oro Open Space Preserve and would be managed as other restoration projects at the preserve, to achieve the SCVOSA's goals of protecting endangered species while providing opportunities for recreation and beneficial use. Additionally, the proposed construction techniques for improving the ponds are standard for similar projects, and do not include the use of irregular equipment or practices. As such, there are no unusual circumstances which would exacerbate any environmental effects and the proposed project would not have a reasonable possibility for a significant effect on the environment due to unusual circumstances. This exception to a CE does not apply to the proposed project.

15300.2(d) ***Scenic Highways****. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

The project site is not on or near an officially designated California Scenic Highway (California Department of Transportation 2019). The proposed project is in an open space preserve and therefore no major highways are within visible distance to the site. The closest designated scenic highway is California State Route 9 located approximately 26 miles northwest of the project site. There are no rock outcroppings or historic buildings located on the site, as described below under the discussion of Section 15300.2(f), *Historical Resources*. Therefore, this exception to a CE does not apply to the proposed project.

15300.2(e) ***Hazardous Waste Sites****. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The project site is not included on the DTSC EnviroStor database, DTSC Cortese List, SWRCB GeoTracker database, CalEPA list of solid waste disposal sites, or CalEPA list of active cleanup orders (DTSC 2021a, DTSC 2021b, CalEPA 2016a, CalEPA 2016b, SWRCB 2021). The project site is not

included on a list complied pursuant to Section 65962.5 of the Government Code; therefore, this exception to a CE does not apply to the proposed project.

15300.2(f) ***Historical Resources****. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The project site is located within Rancho Cañada del Oro Open Space Preserve and does not contain any structures or potentially historical resources in the built environment. The proposed project would enhance habitat value of the ponds and increase the function of wetlands and would not include alteration of an eligible historic resource or be located near a potentially eligible historic resource or any other existing historic resources. As such, the project would not adversely affect the significance of historic resources. Therefore, this exception to a CE does not apply to the proposed project.

5 Summary

Based on this analysis, the proposed SCVOSA Pond Management and Enhancement Project – Ponds RC-01, RC-07 and RC-10, Rancho Cañada Del Oro Open Space Preserve, meets all criteria for a Class 33 Categorical Exemption pursuant to Section 15333 of the *CEQA Guidelines* and does not meet any of the exceptions to the exemption.

6 References

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