

The Town of Portola Valley owns a parcel next to the maintenance yard at the Town Center that is designated as open space. The parcel contains a man-made pond that is bordered by a chain link fence and a berm containing dirt, horse manure, and other debris placed there when the site was part of the riding ring. There is also miscellaneous wood and paving debris on the perimeter of the pond. The Town Conservation Committee is considering a proposal to clean up the site by removing the fence, debris and berm around the pond. If the fence is removed, the approximately 8-foot deep pond would be made shallower so it is less of a safety hazard. The method to make it shallower is still being determined.

TRA conducted a preliminary study to determine the potential occurrence of special-status species in the vicinity of Spring Down Pond, and to determine whether permits or additional studies would be required for the project. The methods and results of this study are described in the following sections.

Methods

TRA conducted a database search and a field survey to determine biological resources present at Spring Down Pond and the surrounding area. TRA reviewed the California Natural Diversity Database (CNDDDB) RareFind 3 occurrence records of special-status species within the Palo Alto 7.5 minute quadrangle and eight surrounding quads (CNDDDB 2011). Special-status species include species that are listed as threatened or endangered under the federal Endangered Species Act or the California Endangered Species Act; listed in the California Native Plant Society Inventory of Rare and Endangered Vascular Plants of California; or listed by the California Department of Fish and Game as a Fully Protected Species or a California Species of Special Concern. Biologists Tay Peterson and Megan Kalyankar visited Spring Down Pond on May 18, 2011 to determine biological resources present on the site, including vegetation and wildlife, and to assess the potential for occurrence of California red-legged frog (*Rana draytonii*) and other special-status species.

Habitat Description

Spring Down Pond is located in Portola Valley on Portola Valley Road at the south end of the Town Center complex. It is a man-made pond formerly used by the Spring Down stables. It is near a natural portion of Sausal Creek, but is not connected to the creek. It is upstream of an undergrounded portion of the creek that is several hundred feet long. Sausal Creek flows from the base of the Santa Cruz Mountains just upstream of the Town Center to the upstream end of

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Middle Searsville Reservoir in the San Francisquito Creek watershed. It does not flow directly into San Francisquito Creek.

Spring Down Pond is covered with mosquito fern (*Azolla filiculoides*) and is surrounded by thick riparian vegetation dominated by willows (*Salix* spp.), mock orange (*Philadelphus lewisii*) and Himalayan blackberry (*Rubus discolor*). Surrounding upland habitat is primarily annual grassland dominated by non-native grasses and herbs such as Italian wildrye (*Lolium* sp.), wild

oats (*Avena* sp.), ripgut brome (*Bromus diandrus*), oxeye daisy (*Leucanthemum vulgare*), bird's foot trefoil (*Lotus corniculatus*) and dandelion (*Taraxacum officinale*). A few native species are interspersed such as California barley (*Hordeum brachyantherum* ssp. *californicum*), bee plant (*Scrophularia californica*), coyote brush (*Baccharis pilularis*) and California poppy (*Escholtzia californica*). Some low-lying areas near the pond contain native annual species such as tidy tips (*Layia platyglossa*) and goldfields (*Lasthenia* sp.). Scattered trees in the vicinity of the pond include coast redwood (*Sequoia sempervirens*), coast live oak (*Quercus agrifolia*), black walnut (*Juglans nigra*), blue gum eucalyptus (*Eucalyptus globulus*), mulberry (*Morus* sp.) and photinia (*Photinia* sp.).

Wildlife observed near the pond consisted primarily of a variety of bird species including California quail (*Callipepla californica*), American crow (*Corvus brachyrhynchos*), western scrub jay (*Aphelocoma californica*), American robin (*Turdus migratorius*), Brewer's blackbird (*Euphagus cyanocephalus*), dark-eyed junco (*Junco hyemalis*), chestnut-backed chickadee (*Poecile rufescens*), warbling vireo (*Vireo gilvus*), house finch (*Carpodacus mexicanus*) and Nuttall's woodpecker (*Picoides nuttallii*). Seven stick houses of San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) were observed adjacent to the pond. Other species likely to be present include small mammals such as rodents and bats, larger mammals such as black-tailed deer (*Odocoileus hemionus columbianus*), reptiles and amphibians such as western fence lizard (*Sceloporus occidentalis*) and pacific tree frog (*Pseudacris regilla*), and a variety of birds.

A small section of Sausal Creek that exists in its natural condition on the south end of the Portola Valley Town Center is entirely surrounded by a chainlink fence and is heavily vegetated. The creek is about 120 feet long and 20 feet wide, and covers an area of about 0.05 acre. The area at the top of the banks supports oak woodland dominated by Coast live oak and also contains poison oak (*Toxicodendron diversilobum*), man-root (*Marah fabaceus*), and honeysuckle (*Lonicera* sp.). The channel is approximately 15 feet below grade. Besides Sausal Creek, surrounding land uses include the Portola Valley Town Center, the Spring Down Equestrian Center, and Portola Road.

Special-status Species

There were 43 special-status plant species and 34 special-status animals species within the nine quad area searched in the CNDDDB. Of these, 41 of the plant species and 26 of the animal species are unlikely to occur in the vicinity of Spring Down Pond due to a lack of suitable habitat, distance from known occurrences or historic site disturbance. Species with the potential to occur in the area near Spring Down Pond are discussed below.

SPECIAL STATUS PLANTS

Spring Down Pond and the surrounding area were formerly part of Spring Down Stable. Due to historic disturbance and a lack of suitable habitat, most special-status plants listed in the CNDDDB are unlikely to occur in the area. Special-status plant species with the potential to occur near Spring Down Pond are described below.

slender-leaved pondweed (*Stuckenia filiformes*) is a California Native Plant Society List 2.2 plant. It is found in marshes and swamps, often in shallow clear water of lakes and drainage

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channels. The closest recorded CNDDDB occurrence for this species is at an unknown well location in Palo Alto. Spring Down Pond is probably too deep and stagnant to support this species. Slender-leaved pondweed was not observed during the field survey and is unlikely to occur in Spring Down Pond.

western leatherwood (*Dirca occidentalis*) is a California Native Plant Society List 1B.2 plant. Western leatherwood occurs in broadleafed upland forest, chaparral, closed cone conifer forest, cismontane woodland, northcoast conifer forest, riparian forest and riparian woodland. It occurs mostly in mixed evergreen and foothill woodland plant communities, on brushy slopes and mesic sites. The closest CNDDDB recorded occurrence of western leatherwood is in the vicinity of Searsville Lake, approximately 1/4 mile south of Spring Down Pond. The small area of riparian forest around Spring Down Pond could constitute suitable habitat for this species. However, riparian forest is not the most common habitat type for this species and no western leatherwood was observed during the field survey. Western leatherwood is unlikely to occur at Spring Down Pond.

SPECIAL STATUS ANIMALS

Special-status animal species with the potential to occur in the vicinity of Spring Down Pond are discussed below.

California red-legged frog (*Rana draytonii*) is listed as federal threatened and a California Species of Special Concern. California red-legged frog is found in lowlands and foothills in or near sources of permanent deep water with dense, shrubby or emergent riparian vegetation. California red-legged frog also utilizes upland habitat including shelter under boulders, rocks, logs, industrial debris, agricultural drains, watering troughs, small mammal burrows, moist leaf litter and incised stream channels. The closest known occurrence of California red-legged frog to Spring Down Pond is in Francisquito Creek, approximately 2 miles to the north. Suitable upland habitat is present near Spring Down Pond. However, the pond is unlikely to be utilized by California red-legged frog due to low dissolved oxygen levels during the dry season (Balance Hydrologics 2010). A federal California red-legged frog site assessment was prepared, and is attached to this letter. California red-legged frog was not observed during the field survey and has a low potential to occur in or near Spring Down Pond based on our assessment of the habitat.

San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), is federally and state listed as endangered, and it is state Fully Protected. San Francisco garter snake is found near fresh water marshes, ponds, and slow moving streams in San Mateo County and the extreme north end of Santa Cruz County. San Francisco garter snake prefers dense cover and water depths of at least one foot. Upland habitat such as grasslands or wetlands near water is also needed for this species. Specific location information for this species is suppressed, but there is one known occurrence within the Palo Alto quadrangle in the vicinity of "small, vegetated ponds with riparian vegetation around them" (CNDDDB 2011). Spring Down Pond and surrounding area are within the range of San Francisco garter snake and contain suitable upland habitat to support San Francisco garter snake. However, aquatic habitat is limited by low dissolved oxygen levels in Spring Down Pond in the summer and isolation from other suitable aquatic habitat (Balance Hydrologics 2010). San Francisco garter snake was not observed during the site visit; and is unlikely to occur in the vicinity of Spring Down Pond.

California tiger salamander (*Ambystoma californiense*), is federal Threatened and a California Species of Special Concern (CTS hereafter). CTS was listed by the USFWS as Threatened in September 2004. CTS range from the Sierra Nevada crest (just west of it) to the outer coast range and from Sonoma and Yolo counties on the north to Santa Barbara County in the south. CTS require a mosaic of habitats consisting of seasonally filled pools located in or near grasslands or oak woodlands. Semi-permanent ponds, reservoirs, and portions of slow-moving, seasonal creeks may also be used. For most of the year, CTS live in the burrows of ground squirrels, gophers, and other rodents in open wooded or grassy areas. However, they may also use man-made structures such as underground utility boxes and drainage pipes. They do not emerge to breed every year. The only known population of CTS on the peninsula occurs on Stanford lands near Lagunita. It was also reported to occur on Albion Avenue in Woodside in 1962. CTS has not been reported from Sausal Creek or the pond, and it is unlikely to occur there because of historic disturbance of the surrounding grassland (equestrian riding ring, grading for restoration) as well as low dissolved oxygen levels in Spring Down Pond in the summer.

western pond turtle (*Emys marmorata*) is a California Species of Special Concern. Western pond turtle is found in ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation. Western pond turtle needs basking sites and suitable upland habitat such as sandy banks or grassy open fields up to 1/3 mile from water for egg laying. The closest known occurrence of western pond turtle to Spring Down Pond is in Francisquito Creek, approximately 2 miles to the north. Suitable upland habitat is present near Spring Down Pond. However, the pond is unlikely to be utilized by western pond turtle due to low dissolved oxygen levels during the dry season (Balance Hydrologics 2010). Western pond turtle was not observed during the field survey and has a low potential to occur in or near Spring Down Pond.

long-eared owl (*Asio otus*) is a California Species of Special Concern. Long-eared owl occurs in riparian bottomlands with tall willows and cottonwoods, as well as in belts of live oak parallel to stream corridors. Long eared owl also requires adjacent open land supporting small rodents and old crow, magpie and hawk nests for breeding. The closest CNDDDB recorded occurrence of long-eared owl is in the Monte Bello Open Space Preserve, approximately 4 miles southeast of Spring Down Pond. Willows growing adjacent to Spring Down Pond provide suitable roosting habitat and adjacent open fields provide suitable foraging habitat for this species. However, the small, isolated nature of the riparian habitat as well as limited prey availability may preclude this species. Long-eared owl was not observed during the field survey, and has a low potential to occur at Spring Down Pond.

saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) is a California Species of Special Concern. Saltmarsh common yellowthroat is a resident of the San Francisco Bay Area in fresh and salt water marshes. Saltmarsh common yellowthroat requires thick, continuous cover down to the water surface for foraging, and tall grasses, tule patches, and willows for nesting. The closest CNDDDB recorded occurrence of this species is at a marsh south of Searsville Lake, approximately 2 miles northwest of Spring Down Pond. A small patch of willows exists around Spring Down Pond that could provide nesting habitat for saltmarsh common yellowthroat; however, a lack of marsh vegetation and the small, isolated nature of the willows likely precludes this species. No saltmarsh common yellowthroat was observed during the field survey and it is unlikely to occur at Spring Down Pond.

American badger (*Taxidea taxus*) is a California Species of Special Concern. American badger is most abundant in drier open stages of most shrub, forest and herbaceous habitats, with friable

soils. American badger digs burrows in pursuit of prey and for sleeping. Prey consists primarily of burrowing rodents. The closest known occurrence of American badger to Spring Down Pond is approximately 3 miles to the northeast (CNDDDB 2011). The American badger prefers dry, open habitats with friable soils; whereas the area surrounding Spring Down Pond is moist and predominated by clay soils. No American badgers or signs of it (burrows, scat) were seen during the field survey and American badger is unlikely to occur near Spring Down Pond.

San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) is a California species of Special Concern. San Francisco dusky-footed woodrat is found in forest habitats of moderate canopy and moderate to dense understory, and may prefer chaparral and redwood habitats. San Francisco dusky-footed woodrat builds nests of shredded grass, leaves and sticks, and

may be limited by availability of nest-building materials. The closest recorded CNDDDB occurrence is approximately 2 miles northeast of the project site. San Francisco dusky-footed woodrat is present at Spring Down Pond; seven stick houses were observed adjacent to the pond during the field survey.

Pallid bat (*Antrozous pallidus*) is a California Species of Special Concern. Suitable habitat for pallid bat includes deserts, grasslands, shrublands, woodlands and forests. Pallid bat is most common in open, dry areas with rocky areas for roosting. The closest CNDDDB recorded occurrence is at Stanford University, approximately 4 miles northeast of Spring Down Pond. No pallid bat or suitable roosting habitat for pallid bat was observed during the field survey. Pallid bat is unlikely to occur in the vicinity of Spring Down Pond.

OTHER PROTECTED WILDLIFE

In addition to special-status species, regulatory protection applies to native nesting birds and roosting bats, as described below.

Native nesting birds and their eggs are protected under the federal Migratory Bird Treaty Act. A variety of native bird species are present at Spring Down Pond, including raptors, songbirds and other species. If the proposed pond re-construction occurs during the bird nesting season (February 1st through August 31st), it could impact native nesting birds.

Bats are considered nongame mammals and are protected by California Department of Fish and Game (CDFG) Code 4150, which reads "*all mammals occurring naturally in California which are not game mammals, fully protected mammals, or fur-bearing mammals, are nongame mammals. Nongame mammals or parts thereof may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission.*" The California Environmental Quality Act planning process provides the main protection for bat roosts and maternity colonies. If a project were to destroy or disturb a roosting site for a bat maternity colony it could significantly impact the local and/or regional population of the species. Although loss of an individual bat would likely be considered an insignificant impact, loss of a roost site where multiple individuals are present would be considered significant, particularly for those listed as California Species of Special Concern. This is because roost sites may be limited in availability and often have very specific habitat and/or microclimate conditions. When a roost site is lost, individuals may not be able to find an alternate roost in sufficient time for protection from the elements before expiring.

Recommendations

Based on the analysis above, no special-status species are expected to occur in the vicinity of Spring Down Pond other than San Francisco dusky-footed woodrat, which is known to be present near Spring Down Pond. The following recommendations are for protection of biological resources, including the San Francisco dusky-footed woodrat.

Protection of San Francisco Dusky-footed Woodrat. Not more than thirty (30) days before initial ground disturbance at Spring Down Pond, a qualified biologist should identify all woodrat houses in the vicinity of Spring Down Pond. All identified woodrat houses should be avoided by construction activities if possible. The project should maintain a five foot buffer around the houses to avoid impacts to woodrats. If avoidance is not feasible, the Town should consult the California Department of Fish and Game regarding currently accepted methods for moving woodrat houses. This usually requires that the house be dismantled by hand by a qualified biologist and moved to adjacent suitable habitat that will not be disturbed. If young are encountered during the dismantling process, the material should be placed back on the house and the house should remain unmolested for one month in order to give the young time to mature and leave the house. After one month, the dismantling process may begin again.

Pre-construction Survey. As a precaution it is recommended that a pre-construction survey be completed for special-status aquatic species, including California red-legged frog, western pond turtle and California tiger salamander.

Tailgate Training. Prior to the start of work on the project the work crew should receive a tailgate training regarding biological resources and the laws that protect them, including the San Francisco dusky-footed woodrat, California red-legged frog, San Francisco garter snake, nesting birds, and bats.

Other Measures to Minimize Biological Impacts. Our understanding is that the pond may be graded to make it shallower. Although special status aquatic species are not expected to occur at the pond, it is recommended that the pond be drained slowly to allow what aquatic life is there (e.g., tree frogs) to disperse away from the pond and into adjacent habitat. It is recommended that the pond be drained in the late summer to avoid the winter/spring breeding season for aquatic species. In addition, the work area should be limited to minimize impacts on adjacent habitat, and equipment staging and storage should be in already paved areas as much as feasible.

Native nesting birds are protected under the federal Migratory Bird Treaty Act and roosting bats are protected under CDFG Code. If the reconstruction of Spring Down Pond would include any vegetation removal, the following measures are recommended to protect nesting birds and roosting bats.

Protection of Nesting Birds. If feasible, the reconstruction of Spring Down Pond should be scheduled outside of the nesting season for raptors and other birds protected by the Migratory Bird Treaty Act, such that construction activities occur only from October 1 through January 31. If that is not feasible, a pre-construction survey for nesting birds should be conducted by a qualified biologist no more than 14 days prior to the start of any construction that is within 250 feet of vegetation in order to identify active nests that could be affected by the activity. All trees in and immediately adjacent to the construction area should be inspected for nests. If an active nest is found in or close enough to the construction area to be disturbed by these activities, the biologist, should, in consultation with the CDFG, designate a construction-free buffer zone around the nest. If a raptor nest is found, the buffer zone should be 250 feet wide (or less if

CDFG agrees), and construction should be postponed within the buffer area until the nestlings have fledged. If the nest is not active, the buffer zone is not required.

Protection of Roosting Bats. If any trees or snags would be removed during the bat maternity roosting season (April 1 through August 31), a pre-construction survey for bats should be conducted. Surveys should be conducted by a qualified biologist not more than 14 days prior to tree or snag removal. Ultrasonic acoustic surveys and/or other site appropriate survey methods should be performed to determine the presence or absence of bats using the Spring Down Pond area for roosting or foraging. If special- status bat species are detected during the surveys, appropriate species and roost specific mitigation measures should be determined. Such measures may include postponing the removal of trees or snags until the end of the maternity roosting season or construction of species specific roosting habitat within or adjacent to the project area.

Permits Required

It is anticipated that no permits from wildlife agencies or the U.S. Army Corps of Engineers will be required for the Spring Down Pond reconstruction project. The project may require water quality authorization from the Regional Water Quality Control Board which should be consulted during the design phase.

Spring Down Pond is an isolated wetland and a clean water act section 404 permit is not required from the U.S. Army Corps of Engineers. A permit may be required from the Regional Water Quality Control Board under the Porter Cologne Act and section 401 of the Clean Water Act. No streambed, bank or channel would be impacted by the project; therefore a Streambed Alteration Agreement is not required from the California Department of Fish and Game (CDFG), as confirmed by Howard Young with Suzanne DeLeon of CDFG. No federally listed or state listed species are known or likely to occur in the vicinity of Spring Down Pond; therefore, no permits are required under the federal or state Endangered Species Acts. The Town can request a letter from the US Fish and Wildlife Service concurring that the project is not likely to adversely affect California red-legged frog or California tiger salamander. This would be done during the design phase when project details are known.

Additional Studies Needed

In addition to the surveys recommended previously to avoid sensitive species, nesting birds and roosting bats, the project is required to comply with the California Environmental Quality Act. Depending on the specific nature of project activities and the resulting level of environmental impacts, this could be a Categorical Exemption or an Initial Study/Mitigated Negative Declaration. No other additional studies are needed.