

4.3 BIOLOGICAL RESOURCES

4.3.1 Environmental Setting

For the purposes of evaluating the potential effects of the LRDP implementation on biological resources, the identification of the potentially occurring sensitive biological resources on the West Valley College campus site was based on preliminary information presented by the Initial Study for the project, existing pertinent literature and published lists, and reconnaissance-level site surveys.

Natural Community Types and Associated Wildlife

The dominant natural plant community within the campus area is coast live oak woodland. This important natural community occurs along Vasona Creek and a minor tributary. Typically, woodland associated with watercourses is considered an important natural community due to its relative scarcity and important wildlife habitat values. In scattered locations along Vasona Creek, between openings of the oak canopy, are patches of willows. Also present within the study area are stands of coastal/valley freshwater marsh. Interspersed over the college campus are mature native trees and ornamental trees, shrubs, and herbaceous plantings.

Coast Live Oak Woodland. Coast live oak woodland is a generally low, sclerophyllous woodland, often with an open structure, dominated by coast live oak (*Quercus agrifolia*). Within the study area, coast live oak woodland is found along Vasona Creek. The overstory is dominated by mature, native trees, including coast live oak and valley oak (*Quercus lobata*). Other native trees occurring in openings in the oak canopy include red willow (*Salix laevigata*), yellow willow (*Salix lucida* ssp. *lasiandra*), Oregon ash (*Fraxinus latifolia*), and Fremont cottonwood (*Populus fremontii* ssp. *fremontii*).

Characteristic understory species occurring on site include native plants such as poison oak (*Toxicodendron diversilobum*), coyote brush (*Baccharis pilularis*), blue elderberry (*Sambucus mexicana*), snowberry (*Symphoricarpos albus* var. *laevigatus*), toyon (*Heteromeles arbutifolia*), and California buckeye (*Aesculus californica*). Characteristic native herbaceous species include manroot (*Marah fabaceous*), California blackberry (*Rubus ursinus*), mugwort (*Artemisia douglasii*), miner's lettuce (*Claytonia perfoliata*), sedge (*Carex* sp.).

Common, non-native species present within the riparian corridors include Himalayan blackberry (*Rubus discolor*), periwinkle (*Vinca major*), Bermuda buttercup (*Oxalis pes-caprae*), English ivy (*Hedera helix*), blackwood acacia (*Acacia melanoxylon*), olive (*Olea europea*), pampas grass (*Cortaderia selloana*), Tasmanian blue gum (*Eucalyptus globulus*), and firethorn (*Pyracantha angustifolia*), among others.

Coast live oak woodland as found on site most closely conforms to the coast live oak series as described by Sawyer and Keeler-Wolf (1995) and would be classified as an upland following Cowardin, et al. (1979).

Central Coast live oak riparian forest provides habitat for a wide variety of wildlife species attracting avian bark gleaner species such as chestnut backed chickadee (*Poecile rufescens*), bushtit (*Psaltriparus minimus*), and Stellar's jay (*Cyanocitta stelleri*) among many other avian species, California quail (*Callipepla californica*) and California towhee (*Pipilo crissalis*) are the foliage gleaners in this habitat. Red-shouldered hawks (*Buteo lineatus*) can be seen foraging on small mammals in grasslands from the protection of the coast live oak forest. Cooper's hawks (*Accipiter cooperi*) and sharp-shinned hawks (*Accipiter striatus*) are often associated with this habitat hunting small birds. Mammals such as black-tailed deer (*Odocoileus hemionus*) utilize the understory of this community, eating berries from poison oak and blackberry bushes. The Pacific slender salamander (*Batrachoseps attenuatus*) occurs in this habitat underneath the cover of fallen leaf litter and bark. Mature oaks and snags are important features within this habitat as they provide nesting and roosting areas for a variety of special-status species of bats that occur in this region, including pallid bat (*Antrozous pallidus*), long-legged myotis (*Myotis volans*), Yuma myotis (*Myotis yumanensis*) and long-eared myotis (*Myotis evotis*).

Coastal Freshwater Marsh. Coastal freshwater marsh typically occurs in low-lying sites that are permanently flooded with fresh water and lacking significant current. Within the study area, coastal freshwater marsh consists of scattered patches along Vasona Creek between openings of coast live oak canopies. Small patches dominated by sedges (*Carex* sp.) are present near the downstream end. At the upstream end of the study area is a fairly large stand of disturbed freshwater marsh habitat, which has evolved on accumulated sediment between South College Circle and the southern-most pedestrian bridge. This habitat is dominated by broadleaf cattail (*Typha latifolia*), umbrella sedge (*Cyperus eragrostis*) and watercress (*Rorippa nasturtium-aquaticum*) in the wetter areas, with invasive non-native species such as Harding grass (*Phalaris aquatica*), wild teasel (*Dipsacus fullonum*), annual rabbitsfoot grass (*Polypogon monspeliensis*), and Himalayan blackberry in the drier portions of the site.

On site, this vegetation type does not conform to any particular series as classified by Sawyer and Keeler-Wolf (1995). It would be classified as a palustrine seasonally or permanently flooded wetland following Cowardin, et al. (1979).

Coastal freshwater on site does not provide high quality habitat for wildlife species based on the small size of the habitat and the urbanization of the surrounding area. Several avian species may use the existing habitat for foraging, including Bewick's wren (*Thryomanes bewickii*), Anna's hummingbird (*Calypte anna*), and black phoebe (*Sayornis nigricans*). Western aquatic garter snake (*Thamnophis couchii*) may use the area for foraging as it moves up and down the creek, while Pacific tree frog (*Pseudacris regilla*) use the habitat to remain moist in the summer. Pacific slender salamander may occur in the duff layer.

Landscaping. The West Valley College campus supports extensive areas of lawn and landscaping. Biological resources of concern within landscaped areas include numerous native, mature oaks (coast live oak, valley oak), as well as mature ornamental trees that represent suitable nesting and roosting sites for migratory birds such as northern mockingbird (*Mimus polyglottos*), American robin (*Turdus migratorius*),

Anna's hummingbird, and house finch (*Carpodacus mexicanus*), as well as several species of bats, such as myotis species. A tree survey has not been prepared for the proposed facilities expansion areas.

The campus is developed with college facilities, including walkways, roadways, and landscaping. Its only natural feature is Vasona Creek. Vasona Creek traverses the center of the campus on a southwest-northeast axis and its location is indicated in Figure 3-2. The creek riparian corridor contains both native and exotic species. For the most part, the campus' riparian corridor along Vasona Creek has remained undisturbed; three road crossings and five pedestrian bridges are the only locations where the creek channel and embankments have been affected by campus facilities. Additionally, paved pathways parallel the creek alignment, with some interpretative signage occurring at points along the paths. Vasona Creek and its riparian zone contribute substantially to the character of the campus and are recognized by the District as a valuable natural resource and amenity to the college community.

Special-Status Biological Resources

Special-Status Natural Communities. Special-status natural communities are those that are considered rare in the region, support special-status plant or wildlife species, or receive regulatory protection (e.g., §404 and 401 of the Clean Water Act, §1600 et seq. of the California Department of Fish and Game Code, and/or the Porter-Cologne Water Quality Control Act). In addition, the California Natural Diversity Data Base (CNDDDB) has designated a number of communities as rare; these communities are given the highest inventory priority (CDFG 2003).

Wetland habitat associated with Vasona Creek is considered a special-status natural community. Although mostly ruderal in nature, aquatic habitats like those present on site are regulated by state and federal law. Unavoidable impacts to wetlands would require permits and mitigation measures.

Special-Status Species. Special-status plant and animal species include those listed as endangered, threatened, or as candidates for listing by the USFWS (1999, 2004) and/or the CDFG (2004, 2005a,b,c). In addition, species that are considered rare, declining or sensitive by regulating agencies and professional organizations are also considered. Agencies and organizations that maintain these lists include the USFWS, CDFG, the Audubon Society, and the California Native Plant Society (CNPS 2003), among others. The CNPS listing is used by the CDFG and serves as a list of rare plants that may warrant listing under the California Endangered Species Act. Other special-status species are those that receive federal protection under the Bald Eagle Protection Act (BEPA), the Migratory Bird Treaty Act (MBTA), and various sections of the California Fish and Game Code.

Based on a review of special-status plant species in Santa Clara County (CNDDDB 2004, CNPS 2003), a total of 56 special-status plant species were evaluated. Based on reconnaissance-level surveys of the study area and an assessment of the available habitats on site, none of the target special-status plant species is considered to have a high potential for occurrence. None of the target special-status plant

species is considered to have a potential for occurrence on site due to the high level of site alteration and/or the lack of suitable habitat.

In reviews of the California Natural Diversity Data Base (CNDDDB 2004) and reconnaissance-level and focused surveys, a total of 33 special-status animal species were evaluated for their potential for occurrence. Of these, none is considered to have a high likelihood for occurring on site. Two species, pallid bat and Yuma myotis, are considered to have a moderate potential for occurrence on site. Eight of the target species are considered to have a low potential for occurrence on site. Several other species, specifically passerines (perching birds) protected under the MBTA, have a moderate potential to occur on site.

A summary of the status, habitat affinities, reported localities in the project area, and potential for occurrence within the project area for each of the target plant and animal species and those with a low potential to occur are presented in Appendix C.

Federal or State Candidate, Threatened or Endangered Species. The following is a discussion of species having potential to occur on site and/or are species that are prominent in today's regulatory environment, such as the California red-legged frog, steelhead trout, and California tiger salamander. This document does not address impacts to species that may occur in the region but for which no habitat occurs on site.

California Red-Legged Frog. California red-legged frog (*Rana aurora draytonii*, hereafter CRLF) is listed as Threatened by the USFWS and is classified as a California Species of Special Concern by the CDFG. The closest reported sighting of CRF is 1.7 miles west of Vasona Creek, in Saratoga Creek (CNDDDB 2004). Saratoga Creek is not connected hydrologically to Vasona Creek. There is virtually no potential for the movement of CRF from Saratoga Creek to the headwaters of Vasona Creek because urbanization would prevent overland movement between the two creek systems.

It is not known if suitable CRF breeding habitat is present in Vasona Creek downstream from the project site. If breeding habitat were available and CRF were present, individuals could migrate upstream into the study area. The likelihood of CRF occurring in Vasona Creek is low based on the lack of connectivity to known locations and the lack of breeding habitat within the project area.

Steelhead Trout. Central California coast populations of steelhead trout (*Oncorhynchus mykiss irideus*), including those in San Francisco Bay, are listed as a Threatened by both the state of California and the federal government. Vasona Creek is not considered to provide suitable movement or breeding habitat for Central California coast steelhead due to the presence of permanent barriers downstream (G. Stern, NMFS, pers. comm.). However, Vasona Creek could support native fish species including resident populations of steelhead not protected under the federal Endangered Species Act.

California Tiger Salamander. California tiger salamander (*Ambystoma californiense*, hereafter CTS) is listed as Threatened by the USFWS, and classified by the CDFG as a Species of Special Concern. The closest recorded sighting of CTS is south of Guadalupe Park, south of San Jose (approximately 10 miles southeast of the project site) (CNDDDB 2004). No suitable breeding or aestivation habitats are present within the study area or in the vicinity. There is no potential for the occurrence of CTS in the study area.

Western Pond Turtle. Western pond turtle (*Emmy marmorata*, hereafter WPT) is listed by the CDFG as a Species of Special Concern. The closest reported sighting of WPT occurs 2.4 miles southeast of the site in Vasona Reservoir in Los Gatos (CNDDDB 2004). These two waterways are not connected hydrologically and are separated by urbanization. Vasona Creek is hydrologically connected to Wildcat Creek 1.8 miles to the northeast (downstream); however, no WPT have been reported from Wildcat Creek.

There is no potential for WPT to inhabit Vasona Creek within the study area due to the presence of steeply cut banks, the narrowness of the channel, and the lack of likely source populations nearby.

Burrowing Owl. Burrowing owl (*Athene cunicularia*) is listed as a state Species of Special Concern by the CDFG and is protected under the provisions of the Migratory Bird Treaty Act and the California Fish and Game Code. It has been the subject of increased public interest and conservation efforts in recent years.

The closest recorded sighting of burrowing owl is in Sunnyvale (approximately 5.6 miles north of the project site). Based on the high degree of human activity associated with the campus, the maintained nature of the landscaping, and the limited amount of potential foraging sites in the vicinity, there is no potential for occurrence of burrowing owl on site.

Migratory Birds. Migratory passerines (perching birds) are protected under the MBTA and the California Fish and Game Code Section 3503, which protects the nest and eggs of any passerine. Within the study area, suitable nesting habitat is present on the buildings to be demolished and the trees to be removed. For example, the physical education gymnasium showed evidence of several pairs of nesting barn swallows (*Hirundo rustica*) currently using the structure. A second area of potential nesting is the pine tree within the lawn area and the riparian corridor along Vasona Creek. Several passerine species have potential to nest in this habitat, such as spotted towhee (*Pipilo maculatus*), California towhee (*Pipilo crissalis*), acorn woodpecker (*Melanerpes formicivorus*) and scrub jay (*Aphelocoma californica*), among others.

Although no nesting birds were observed on the buildings proposed for demolition, individuals may nest between the time of the reconnaissance-level survey and demolition. Based on the presence of suitable nesting habitat within the project site, there is potential for “take” of individuals if demolition or construction (ground breaking) is proposed during the nesting season. Impacts may occur to individuals within the riparian corridor on either the perennial or ephemeral streams.

Bats. Several buildings within the project area of West Valley College may provide potential roosting habitat for special status bat species. Of the 25 known bat species in California, 11 are classified as California Species of Special Concern, and nine are Federal Species of Concern (including subspecies). Bats are afforded protection under various Fish and Game Code sections, including Sections 86, 2000, 2014, 3007, and 4150 and are classified as non-game mammals.

Although evolved to roost in rock crevices and caves, many bat species have adapted to using man-made structures such as buildings and bridges. Special-status bat species are considered to have a moderate to low potential for occurrence on the campus site. Specifically, eight buildings that are proposed for renovation or demolition may provide suitable bat roosting habitat. Many of the buildings are proposed to undergo exterior and interior renovations that could potentially impact bats roosting in portions of the buildings. For example, the Studio Arts building, with a stucco exterior, contained several openings around the roofline where metal flashing does not fit tightly against the exterior stucco walls. Although no evidence was found of bats using the structure, bat species could take up residence prior to demolition.

4.3.2 Regulatory Overview and Conformance with Local Plans and Policies

West Valley College Educational and Facilities Plan

Plan Policies

The Facilities Master Plan includes the following policy relevant to visual resource/aesthetic issues at the West Valley College campus.

- *Preserve the campus natural environment. Identify and protect Heritage Trees. Preserve Vasona Creek's native riparian habitat. Combine these conservation efforts with the development of dedicated outdoor instruction areas.*

Project Analysis

The development of the Fox Center would require the removal of one oak tree and one pine tree at the proposed building site for this facility. These large native trees were planted as part of the landscaping efforts to the west of the Campus Center during early campus development. The loss of these two trees would not constitute a disturbance of the natural environment. This impact would not significantly alter the overall vegetative character of the campus site and surroundings, because the substantial remaining riparian oaks and other large trees would continue to provide habitat value on the campus.

The existing physical character of the campus landscape is defined by the College's low-profile structures, extensive landscaped areas, including turfed open areas with associated abundance of large mature trees, and the well-preserved Vasona Creek riparian corridor. As discussed elsewhere, some landscape trees would be removed under the LRDP. However, these losses would not result in a significant qualitative change to the existing biological resources of the campus, either as a whole or in the vicinity of these projects. A significant number of trees would remain, maintaining the existing character after project construction. Additionally, the cumulative loss of trees under the LRDP would be compensated over the long term by a 2-to-1 replacement of removed trees, resulting in a long-term beneficial effect.

Saratoga General Plan

The complicated legal principles governing the extent to which the District is exempt from complying with the City's land use plans, policies, or ordinances are set forth at length in Chapter 4.1. However, even though the District's Board of Trustees, through a super-majority vote, may exempt the West Valley-Mission Community College District from Saratoga's zoning ordinances with respect to classroom facilities, it is the District's policy to try to conform to local plans and ordinances whenever possible. Therefore, pertinent City policies and standards are outlined below.

General Plan Policies	Project Analysis
<p><i>Conservation Element</i></p> <p><i>CO.2.0: Conserve natural vegetative and significant topographic features which exist in Saratoga and its Sphere of Influence.</i></p> <p><i>CO.2.4: Through implementation of the Tree Preservation Ordinance, the City shall control the removal or destruction of trees.</i></p> <p><i>CO.2.5: In the process of all new development, particular care shall be taken to preserve native oaks, measuring at least ten inches in diameter at twenty-four inches above the ground, and other significant trees by careful siting of all improvements.</i></p>	<p><i>The LRDP includes the preservation of the campus natural environment as a principal objective, as identified by the West Valley College Educational and Facilities Master Plan. The District shares the goal of the City for maintaining a campus that conserves natural vegetative features found in the City. The District's goal also includes the identification and protection of Heritage Trees, further supporting the City's policy of preserving existing trees within the community.</i></p>
<p><i>CO.3.0: Preserve the quality of the natural environment and the character of the City through appropriate regulation of development.</i></p> <p><i>CO.3.1: The City shall strive to protect wildlife and wildlife habitats when considering proposals, for development or plans for active recreation.</i></p> <p><i>CO.3.5: Watersheds shall be protected by stringent erosion control during development and by minimizing grading to the fullest extent possible.</i></p>	<p><i>The LRDP supports the preservation of the natural environment and character of the City through the incremental expansion of existing facilities in a controlled manner over a 10-year period. Expansion would only occur adjacent to existing structures or on existing building sites. The LRDP projects would contribute to the preservation of Vasona Creek and its natural resources through avoidance of construction activities in close proximity to the creek. Appropriate review of grading plans and implementation of erosion control measures would assure preservation of watershed values along Vasona Creek.</i></p>
<p><i>Open Space Element</i></p> <p><i>Goal 5: To protect and conserve natural resources including watersheds, water quality, productive agricultural land, native vegetation and wildlife habitat, mineral land, archeological and historic sites and areas of ecological significance.</i></p> <p><i>Goal 7: To preserve the natural and rural character of Saratoga.</i></p> <p><i>Goal 10: To ensure that any new development is sensitive to the natural environment and the community's open space resources.</i></p> <p><i>Goal 16: To preserve, protect and maintain riparian habitats and creek corridors.</i></p>	<p><i>As indicated above, the LRDP supports the preservation of the natural environment and character of the City through the incremental expansion of existing facilities in a controlled manner over a 10-year period. Expansion would only occur adjacent to existing structures or on existing building sites. The LRDP projects would contribute to the preservation of Vasona Creek and its natural resources through avoidance of construction activities in close proximity to the creek. Appropriate review of grading plans and implementation of erosion control measures would assure preservation of watershed values along Vasona Creek.</i></p>

City of Saratoga Zoning Regulations

The City of Saratoga has developed zoning regulation intended to preserve natural resources, especially trees. Specific sections from Article 15-50 Tree Regulations, as amended in Ordinance 226 (December 17, 2003) that pertain to the proposed project include:

- *15-50.050 Removal of Certain Trees without Permit*
- *15-50.070 Application for permit.*
- *15-50.120 Setback of new construction from existing trees.*
- *15-50.130 Arborist Report*
- *15-50.140 Tree Preservation Plan*

In the City of Saratoga, a Tree Preservation Plan is required for any project approved pursuant to Chapters 14, 15 and 16 of the Code on any site on which an Arborist Report is prepared. A Tree Preservation Plan consists of a separate detailed plan drawn to a sufficient scale (but no larger than 20 feet to the inch, with any details to be shown at least 10 feet to the inch) to clearly indicate all protection and mitigation measures to be taken as required by the Community Development Director and/or the Arborist Report for the project. It should be noted that the provisions of the Tree Ordinance would apply to the development of non-classroom facilities, but does not apply to classroom facilities. (See Section 4.1.2.)

Santa Clara Valley Water District

The Santa Clara Valley Water District (SCVWD) has jurisdiction over all watercourses in Santa Clara County. Pursuant to SCVWD Ordinance 83-2 Section 6.2, a permit from SCVWD is required for any actions affecting the District's jurisdictional floodways. Based on the review of the LRDP's project components, it is unlikely that West Valley College facilities improvements will require a permit from the SCVWD. However, the District will submit individual project plans to the SCVWD for review and comment during the planning phases of each project.

California Department of Fish and Game

The CDFG exercises jurisdiction over wetland and riparian resources associated with rivers, streams, and lakes under California Fish and Game Code Section 1602. The CDFG has the authority to regulate work that would substantially divert, obstruct, or change the natural flow of a river, stream, or lake; substantially change the bed, channel, or bank of a river, stream, or lake; or use material from a streambed.

Vasona Creek and riparian woodland beyond the tops of bank are expected to fall under the jurisdiction of the CDFG. Impacts to habitats associated with the creeks would subject to review by the CDFG. Migratory passerines (perching birds) are protected under California Fish and Game Code Section 3503.

Prior to undertaking any activity that would directly or indirectly impact Vasona Creek, a Streambed Alteration Permit must be obtained from CDFG.

Regional Water Quality Control Board

Pursuant to Section 401 of the Clean Water Act and EPA §404(b)(1) Guidelines, an applicant for a federal permit to conduct any activity which may result in discharge into navigable waters must provide a certification from the Regional Water Quality Control Board (RWQCB) that such discharge would comply with the state water quality standards (Cal. Code Regs. tit. 23, §§3830 et seq.).

The RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the state. In most cases, the RWQCB seeks to protect these beneficial uses by requiring the integration water quality control measures into projects that could result in discharge into waters of the state. Vasona Creek and riparian woodland beyond the tops of bank are expected to fall under the jurisdiction of the RWQCB. Impacts on habitats associated with the creeks would be subject to review by the RWQCB.

U.S. Army Corps of Engineers

Section 404 of the Clean Water Act (CWA) of 1972 regulates activities that result in the discharge of dredged or fill material into waters of the U.S., including wetlands. The primary intent of the CWA is to authorize the U.S. Environmental Protection Agency (EPA) to regulate water quality through the restriction of pollution discharges. The U.S. Army Corps of Engineers (USACE) has the principal authority to regulate discharges of dredged or fill material into waters of the U.S.

Although a formal wetland delineation of the project site has not been performed, Vasona Creek is expected to fall under the jurisdiction of the USACE. Impacts to waters of the U.S., including wetlands, would require a federal permit from the USACE.

U.S. Fish and Wildlife Service

The mission of the USFWS is to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people by ensuring compliance with the Endangered Species Act. The Endangered Species Act of 1973, as amended (ESA), provides for the protection of endangered and threatened animals and plants and their habitats. Section 9 of the ESA prohibits the "take" of any fish or wildlife species listed under the ESA as endangered; under Federal regulation, take of fish or wildlife species listed as threatened is also prohibited unless otherwise specifically authorized by regulation. Take, as defined by the ESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct."

Based on reconnaissance-level surveys of the site, an assessment of existing habitats, and a review of the proposed project, the “take” of any federally-listed species is considered unlikely with implementation of the mitigation measures outlined below.

4.3.3 Potential Impacts and Mitigation Measures

Significance Criteria

CEQA Guidelines section 15065 creates certain “mandatory findings of significance” that function as significance thresholds affecting certain biological resources. Pursuant to that section, a project will have a significant environmental effect if the project would:

- substantially reduce the habitat of a fish or wildlife species;
- cause a fish or wildlife population to drop below self-sustaining levels;
- threaten to eliminate a plant or animal community; or
- substantially reduce the number or restrict the range of an endangered, rare or threatened species.

In addition, based upon the criteria presented in Appendix G of the *CEQA Guidelines*, implementation of the proposed project would have a significant impact if it were to cause any of the following:

- A substantial adverse effect, either directly or through habitat modifications, on any special-status species identified as a candidate, sensitive, or special-status species in local or regional plans, policies or regulations, or by the CDFG or USFWS.
- A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFG or USFWS.
- A substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeding the use of native wildlife nursery sites.
- A conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impacts Related to Construction Activities

Short-term and long-term direct and indirect effects on biological resources in the study area were determined by relating the project description to existing biological resources within the study area. Design impacts were determined to be direct and permanent when some feature of the project design would replace a particular resource. Impacts were determined to be indirect when a particular resource would be encroached upon by design features or activities associated with its construction, temporary impacts, or by the nature of the project. Normal construction activities were considered in identifying potential indirect impacts. Grading impact calculations are based on new building footprints as listed in Table 3-1 and shown in Figure 3-3.

The primary issues associated with biological resources on the project site include:

- direct and indirect impacts to the Vasona Creek channel, wetlands, or riparian habitat;
- potential direct, indirect, or cumulative impacts to special-status species;
- cumulative loss of wildlife habitat; and
- long-term maintenance of the remaining biological resources.

Impact 4.3-1: The proposed project could result in “take” of individual California red-legged frogs that may move into the project area from Vasona Creek. (Potentially Significant)

The implementation of the LRDP involves the expansion and replacement of existing buildings on the West Valley College campus, as well as the construction of one new building, the Fox Center, and the installation of infrastructure improvements. Demolition, grading, trenching, and construction activities could affect construction staging areas in the vicinity of Vasona Creek. While the likelihood of CRF occurring in Vasona Creek is low, there is the potential that individual CRF could use these potential construction staging areas in the future. Consequently, the development of specific projects identified by the LRDP could result in “take” of individual California red-legged frog, though any such take would not cause any substantial reduction in the numbers of the species or any restriction in the range of the species (see CEQA Guidelines, § 15065, subd (a)(1)). The following mitigation measure would minimize the potential loss of CRF due to future construction activities.

Mitigation Measure 4.3-1: To avoid “take” of this species during construction, pre-construction surveys of the lawn area should be conducted prior to grading based on the known use by frogs in landscaped areas. Based on the grass height and density, surveys should consist of one daytime survey to be conducted the same day as grading commences. A qualified biologist should walk the area looking for individual CRF. If an individual is found, it should be permitted to leave of its own volition. Ground breaking may commence after the individual has left. If no individuals are found, ground breaking may start immediately. Silt fencing shall be placed parallel to the creek and built so that frogs are unable to move from the creek onto the project area, which may mean enclosure of the entire project area.

Impact Significance After Mitigation: Less than significant.

Impact 4.3-2: The proposed project could result in the removal of occupied passerine nests in and on the temporary buildings and trees along the riparian corridor and lawn area. Disturbance during the nesting season may result in nest abandonment and mortality of young. (Potentially Significant)

To the extent that there are no specific plans for Vasona Creek restoration presented in the LRDP, the potential for removal of passerine nests would be very low. However, demolition and construction activities in the vicinity of the Vasona Creek riparian zone could disturb occupied nests and result in nest abandonment, with commensurate loss of young birds. This would be a significant adverse effect of LRDP implementation. The following measure is recommended to reduce this potential impact to a less than significant level.

Mitigation Measure 4.3-2: To avoid “take” and/or further evaluate presence or absence of passerines, the following measures are recommended:

- a. Alternative Mitigation: Demolition of buildings, such as the temporary structures, and grading adjacent to the riparian corridor should be conducted outside the nesting season, which extends approximately from February 1 and August 15.
- b. Alternative Mitigation: If demolition and grading outside of the nesting season is not feasible, a pre-construction nesting bird survey shall be performed by a qualified biologist. This pre-construction survey shall be conducted no more than one week prior to planned demolition and/or grading activity to prevent birds from moving into the structure during the breeding season. Often, if a nest is disturbed or predated, birds will move to a new location, which could happen over the course of two weeks.
 - If nesting birds with eggs or young are observed during the pre-construction surveys, grading and/or demolition in the affected project area (i.e., temporary building or riparian corridor) shall not commence until after the young have fledged. In the case of swallows nesting in the eaves in the buildings, nest removal should be conducted in February or early March, while nests are being built but before eggs are laid; this would be sufficient to prevent “take” of individuals.
 - If no nesting birds are observed, no further action is required and demolition, grading and construction may proceed, provided it commences within one week of the survey to prevent “take” of individual birds that may have begun nesting after the survey.

Impact Significance After Mitigation: Less than significant.

Impact 4.3-3: The proposed project could result in the loss of bat roosting habitat, and/or potential “take” of bats roosting inside the structures. (Potentially Significant)

Special-status bat species are considered to have a moderate to low potential for occurrence on the campus site. Eight buildings proposed for renovation or demolition may provide suitable bat roosting habitat. Many of the buildings are proposed to undergo exterior and interior renovations that could potentially impact bats roosting in portions of the buildings. Construction activities associated with LRDP projects could result in the loss of bat roosting habitat with concurrent “take” of individual bats. The following measure is recommended to minimize the potential loss of bat habitat and avoid the loss of bats during project construction.

Mitigation Measure 4.3-3: To avoid “take” and/or further evaluate presence or absence of bats, the following measures are recommended:

- A bat habitat assessment should be conducted by a qualified bat biologist during seasonal periods of bat activity (mid-February through mid-October), to determine suitability of each building as bat roost habitat. Buildings found to have no suitable openings can be considered clear for project activities as long as they are maintained so that new openings do not occur.
- Buildings found to provide suitable roosting habitat, but without evidence of use by bats, may be sealed until project activities occur, as recommended by the bat biologist. Buildings with openings and exhibiting evidence of use by bats shall be scheduled for humane bat exclusion and eviction, conducted during appropriate seasons, and under supervision of a qualified bat biologist.
- Bat exclusion and eviction shall only occur between mid-February and mid-April, and from September 1 through mid-October, in order to avoid take of non-volant bats (non-flying or inactive, either young, or seasonally torpid individuals.)

Impact Significance After Mitigation: Less than significant.

Impacts Associated With Project Design

Impact 4.3-4: Project implementation would result in the removal and/or pruning of native and non-native trees meeting the City of Saratoga’s definition of a “protected tree.” (Potentially Significant)

The improvement plans identified by the LRDP include new construction, renovation, and expansion projects for campus facilities. New building construction and expansion of existing facilities would require the removal of landscaping, including mature trees, in several locations on the campus. In certain cases, the new facilities may require the removal of trees that are commonly protected in the surrounding communities. This would constitute a significant adverse effect of LRDP project implementation. The following measure is recommended to minimize the potentially adverse impacts of tree removal resulting from LRDP implementation.

Mitigation Measure 4.3-4: Although the West Valley Community College District is exempt from the requirements of the City of Saratoga's tree regulations when planning and constructing classroom facilities, in that these requirements derive from the City's "Zoning Ordinance" (see Gov. Code, §§ 53094), the scenic, wildlife, and cultural values of mature native and ornamental trees should be recognized. Recognizing the values placed on trees by the public, the following mitigation measures are recommended:

- The District shall develop a Tree Preservation Plan for all new construction areas.
- The siting of new facilities shall be such that impacts to protected trees, as defined by the District's Tree Preservation Plan, is reduced to the maximum extent feasible, in consultation with a qualified arborist and, pertaining to riparian corridor, a qualified biologist.
- Mature native oaks shall be protected in the planning area, to the maximum extent feasible, and disturbance within the tree drip line minimized. This includes oaks along riparian corridors and in the interior of the campus. Plans for new building construction, pathways and landscape improvements shall be reviewed by a certified arborist to ensure that mature oaks are adequately protected.
- If the mature native oaks cannot be avoided, or protected, through project redesign, replacement plantings shall be installed using the following formula: plant one 1½ gallon tree for every 6 inches of aggregate trunk diameter that is uprooted.

Impact Significance After Mitigation: Less than significant.

Impact 4.3-5: Future landscaping throughout developed areas would likely be composed of both non-native and native species used in ornamental plantings, including a variety of trees, shrubs and groundcovers. Many highly invasive non-native ornamental species can colonize riparian areas, resulting in a reduced diversity of native species and reduced wildlife habitat values. (Potentially Significant)

Specific landscaping plans for the LRDP projects would be formulated during the project design phase for each of the improvement projects. If landscaping plans include the use of invasive, non-native ornamental species, they could colonize riparian areas and adversely affect Vasona Creek riparian corridor.

Mitigation Measure 4.3-5: In order to prevent the undesirable spread of exotic plant species in the Vasona Creek riparian corridor, the following mitigation measures shall be followed:

- Graded areas shall be seeded with a mixture of appropriate native species. Highly invasive annuals typically used for erosion control alone shall be prohibited.
- Non-native ornamental species shall be prohibited from use within 50 feet of the tops of bank. Use of non-native, invasive species that may spread into the riparian corridor shall be prohibited from any

new landscaping. Unsuitable species include: blue gum eucalyptus (*Eucalyptus globulus*), acacia (*Acacia* spp.), Pampas grass (*Cortaderia selloana*), broom (*Cytisus* spp.), gorse (*Ulex europaeus*), bamboo (*Bambusa* spp.), giant reed (*Arundo donax*), English ivy (*Hedera helix*), Cape ivy (*Delairia odorata*), and periwinkle (*Vinca* sp.).

- Prior to selection of new landscaping plant materials, the WCCVD shall consult the California Invasive Plant Council's List of Exotic Pest Plants of Greatest Concern in California (<http://groups.ucanr.org/ceppc/>). Plant species appearing on this list shall be prohibited from use.

Impact Significance After Mitigation: Less than significant.

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