



LIVE OAK ASSOCIATES, INC.

an Ecological Consulting Firm

November 5, 2020 updated December 22, 2020

Samantha and Ben Charnota c/o HANNA – BRUNETTI
2546 Butch Dr
Gilroy, CA 95020

RE: Land Habitat Verification Mapping for the project site located at 2546 Butch Drive near Gilroy in Santa Clara County, California (PN 2521-01)

Dear Sam and Ben:

Per your request, Live Oak Associates, Inc. (LOA) has conducted land habitat verification mapping for the Santa Clara Valley Habitat Plan (SCVHP) and a brief letter for the approximately 10.01-acre project site located at 2546 Butch Drive (APN 830-17-046) near Gilroy in Santa Clara County, California.

Existing Conditions.

LOA ecologist Katrina Krakow conducted a site visit on October 23, 2020 to verify the habitats onsite. The site currently supports stables and pastures for horses as well as garages, outbuildings, a parking area, corral, outdoor cooking area, established landscaping, and some California annual grassland with the majority of the grassland separated from the main portion of the site by Skillet Creek, a Category 2 Stream.

Santa Clara Valley Habitat Plan (SCVHP) Landcovers Onsite.

The SCVHP Geobrowser identifies three landcovers onsite, including 1) Developed (Rural Residential); 2) Mixed Riparian Forest and Woodland, which indicates a Category 2 Stream is present; and 3) California Annual Grassland. These landcovers as well as Barren landcover were confirmed during our site visit.

Developed (Rural Residential) (5.056 acres). Developed areas of the site include stables, garages, outbuildings, a large parking area, corral, small horse pastures, and outdoor cooking area. The area was highly landscaped with large shrubs, particularly surrounding the parking area, as well as small trees.

California Annual Grassland (4.292 acres). The site supports areas of California annual grasslands, on either side of Skillet Creek and east of the parking area. This habitat was mowed for fire control at the time of the site visit and is dominated by non-native annual grasses and forbs including, but not limited to wild oat (*Avena sp.*), mustard (*Brassica sp.*), Italian thistle

(*Carduus pycnocephalus*), yellow-star thistle (*Centaurea solstitialis*), stinkwort (*Dittrichia graveolens*), filaree (*Erodium* sp.), and bristly oxtongue (*Helminthotheca echinoides*). A few coyote brush (*Baccharis pilularis*) and valley oak trees (*Quercus lobata*) were scattered within this habitat as well.

Mixed Riparian Woodland and Forest (0.447 acres). Sycamore (*Platanus racemosa*), valley oak, and willow (*Salix* sp.) make up the overstory for the mixed oak woodland and forest. The understory includes species found in the California annual grassland habitat.

Barren (0.097 acres). A small area on either side of the small unnamed tributary to Skillet Creek (described below) has been covered in rocks. Through examination of historical aerial photos, we have determined these rocks have been in place for quite a few years likely for erosion control (see photo at the end of this letter). As habitats identified during habitat verifications for the SCVHP require that verified habitats are classified as a habitat within the SCVHP, “barren” is the most suitable habitat classification for this area. This barren area is historical, with it existing at least as far back as 2004, as shown in the historical Google Earth imagery in Attachment 1. This habitat does not support suitable habitat for any special status species, including the California tiger salamander, California red-legged frog, burrowing owl, tricolored blackbird, or San Joaquin kit fox, therefore, surveys for these species is not necessary in this habitat.

Category 2 Stream (893 linear feet). Skillet Creek, a tributary of Llagas Creek, is not mapped as a Category 1 Stream and qualifies as a Category 2 Stream under the SCVHP. This feature is adjacent and to the west of the site and moves onto the site traversing the northwestern corner of the site. The off-site area is defined as Willow Riparian Woodland, while the onsite area is defined as Mixed Riparian and Woodland. The onsite portion has widths varying from approximately two feet wide to approximately six feet wide.

A small unnamed tributary to Skillet Creek is also classified as a Category 2 Stream under the SCVHP and exists just north of the canal and moves from the east to the west emptying into Skillet Creek. This feature may be man-made, as it is lined with rocks and the rocks appear to extend well beyond the top of bank which is only a couple feet wide; water flowing through this feature would flow under the paved ranch road via a culvert, and then ultimately into Skillet Creek. This tributary was also dry at the time of the October 23, 2020 site survey. The onsite portion has widths varying from approximately one to two feet wide.

Category 2 Streams require a minimum construction-free buffer of 35 feet from the edge of the riparian habitat or top of bank, whichever is greater unless the project applies for a stream setback reduction. This project is not expected to require a stream setback reduction request.

Habitat Assessment for Least Bell’s Vireo and Tricolored Blackbird

Least Bell’s Vireo

Condition 16 of the SCVHP requires a habitat survey be conducted for areas mapped as potential habitat for the least Bell’s vireo. The SCVHP geobrowser maps Skillet Creek and a buffer from that creek adjacent to the site as well as on the site as being within the habitat survey area for least Bell’s vireo. During the habitat verification survey, Ms. Krakow also assessed the site and

areas within 250 feet of the site for the potential to support least Bell's vireo. Least Bell's vireo occurs in early successional riparian vegetation, often dominated by willow shrubs. Although there are no recorded observances of nesting or otherwise within the last three years within three miles of the site (CDFW 2020), riparian habitat along Skillet Creek supports willows which are mature and of medium size. Due to the density of the willows and spacing between these trees provides moderately suitable habitat for the least Bell's vireo. The highest quality habitat for the least Bell's vireo within this reach is west of the property.

Therefore, should construction activities occur within 250 feet of the Willow Riparian habitat, per Condition 16 of the SCVHP, preconstruction surveys for this species is necessary if construction begins within the nesting season for the least Bell's vireo (March 15 – July 31). The surveys will follow the updated protocol in the SCVHP, which includes a survey within 14 days prior to start of construction and within 2 days prior to start of construction. Because this survey would be for habitat located off-site, unless legal access is approved, we would need to get permission to conduct alternate surveys, which we recommend requesting at the time of the SCVHP application submittal. Per Minor Modification HPM2017-02 to the SCVHP protocol, this alternate survey would require that the qualified biologist “will locate his/herself as close to the riparian vegetation on the adjacent site as possible, without trespassing, and conduct two 30-minute observational bouts, listening and looking for signs of least Bell's vireo. The two listening bouts will occur at least one hour apart ...” and must occur between dawn and 11 AM in good weather. Per the SCVHP, if an active nest (a nest being built or has eggs or young in it) is located, a construction-free buffer of 250 feet would be established, which could be reduced for both active and previous nesting sites in areas where there are sufficient barriers or topographic relief to protect the nest from excessive noise or other disturbance—this reduction would be evaluated on a case-by-case basis by the Wildlife Agencies who the Implementing Entity will coordinate with.

Additionally, Minor Modification HPM2017-02 to SCVHP states that: “If project construction will start after the breeding season, surveys should occur during the prior breeding season. If project planning has not allowed sufficient time to allow for surveys during the prior season, the applicant may submit a request to the Habitat Agency to conduct two surveys during the following breeding season. This request is subject to approval by the Wildlife Agencies. The two surveys in the following season will occur on or immediately adjacent to the project site if the suitable habitat (successional riparian vegetation) remains after the project. If the suitable habitat is no longer present due to implementation of the project, the two surveys will occur at alternative locations (for the purpose of providing information on least Bell's vireo occurrence) as determined by the Habitat Agency.”

Tricolored Blackbird

Condition 17 of the SCVHP requires a habitat survey be conducted for areas mapped as potential habitat for the tricolored blackbird. The SCVHP Geobrowser maps Skillet Creek and a buffer from that creek adjacent to the site as well as on the site as being within the habitat survey area for least Bell's vireo. During the habitat verification survey, Ms. Krakow also assessed the site and areas within 250 feet of the site for the potential to support nesting tricolored blackbirds. Tricolored blackbirds tend to nest in flooded, thorny, or spiny vegetation such as blackberry,

cattails, willows, thistles, or nettles. Suitable nesting habitat for the tricolored blackbird is absent from the site and the vicinity of the site. Additionally, there are no recorded observances of nesting or otherwise within the last five years within three miles of the site (CDFW 2020). Therefore, preconstruction surveys for this species is not necessary.

We thank you for considering our firm. If you have any questions or concerns regarding this letter report, please contact me at (408) 281-5889 or Rick Hopkins at (408) 281-5885, at your convenience.

Sincerely,



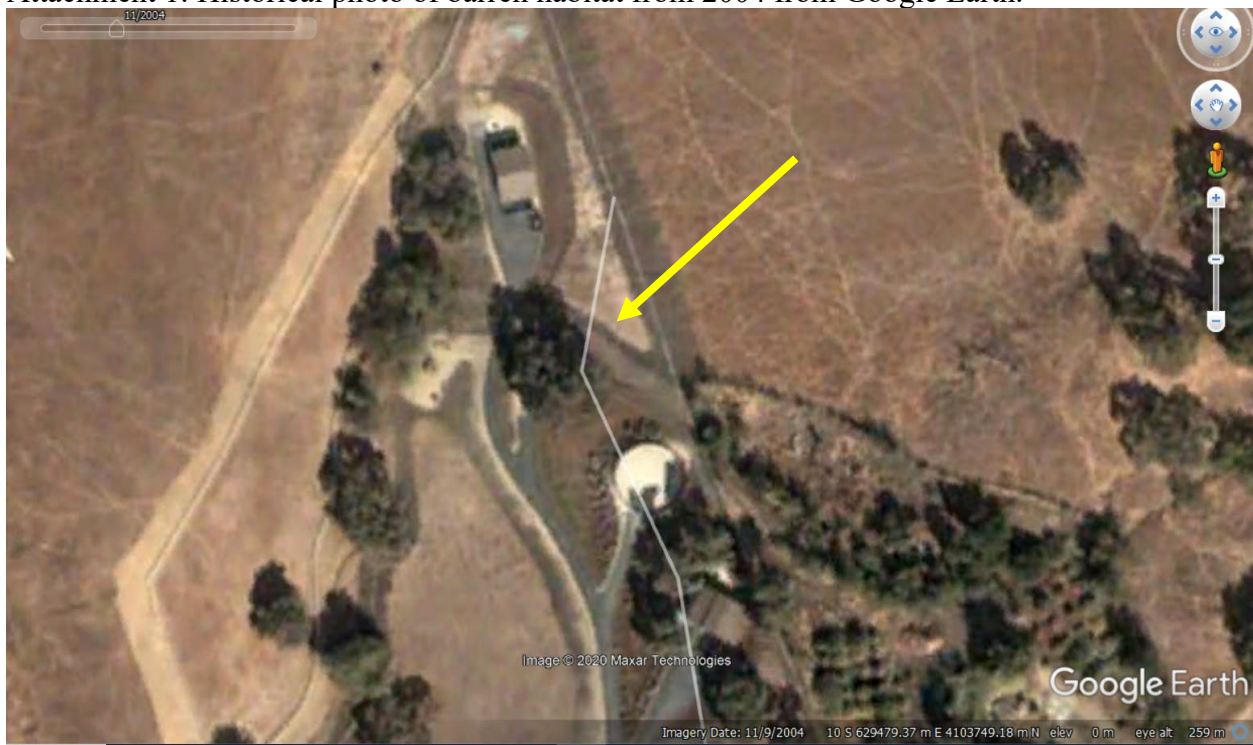
Katrina Krakow, M.S.
Project Manager
Staff Ecologist

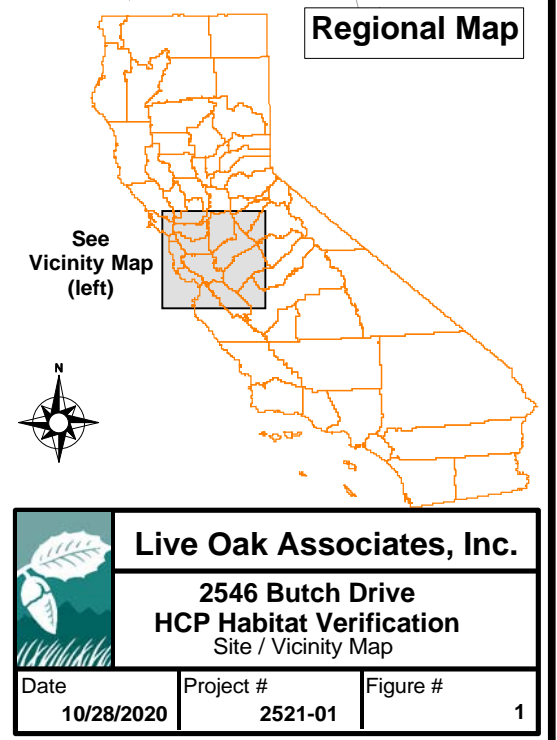
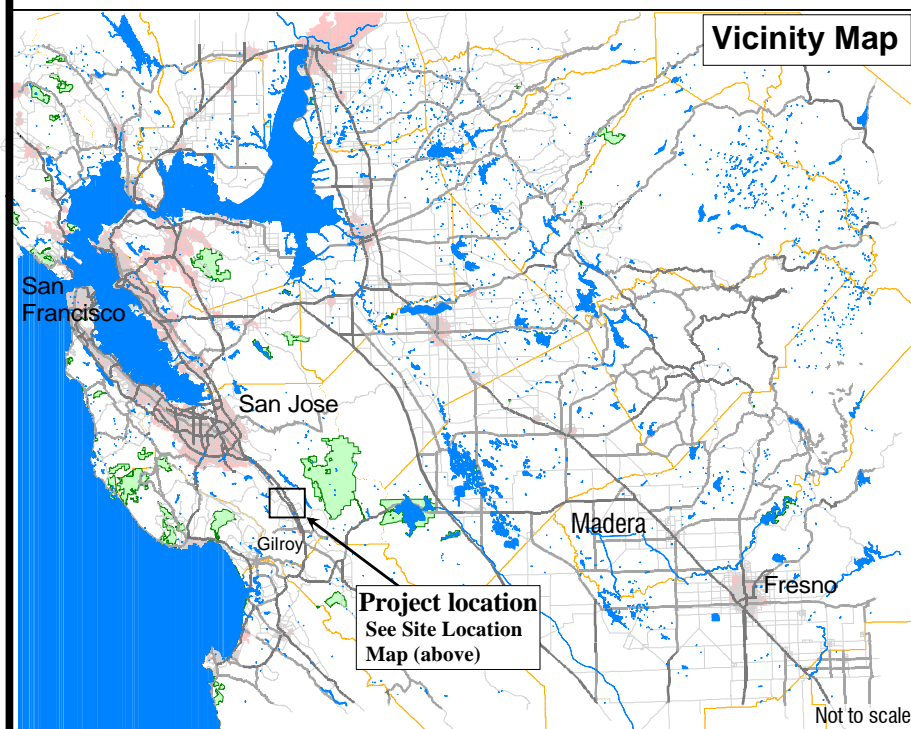
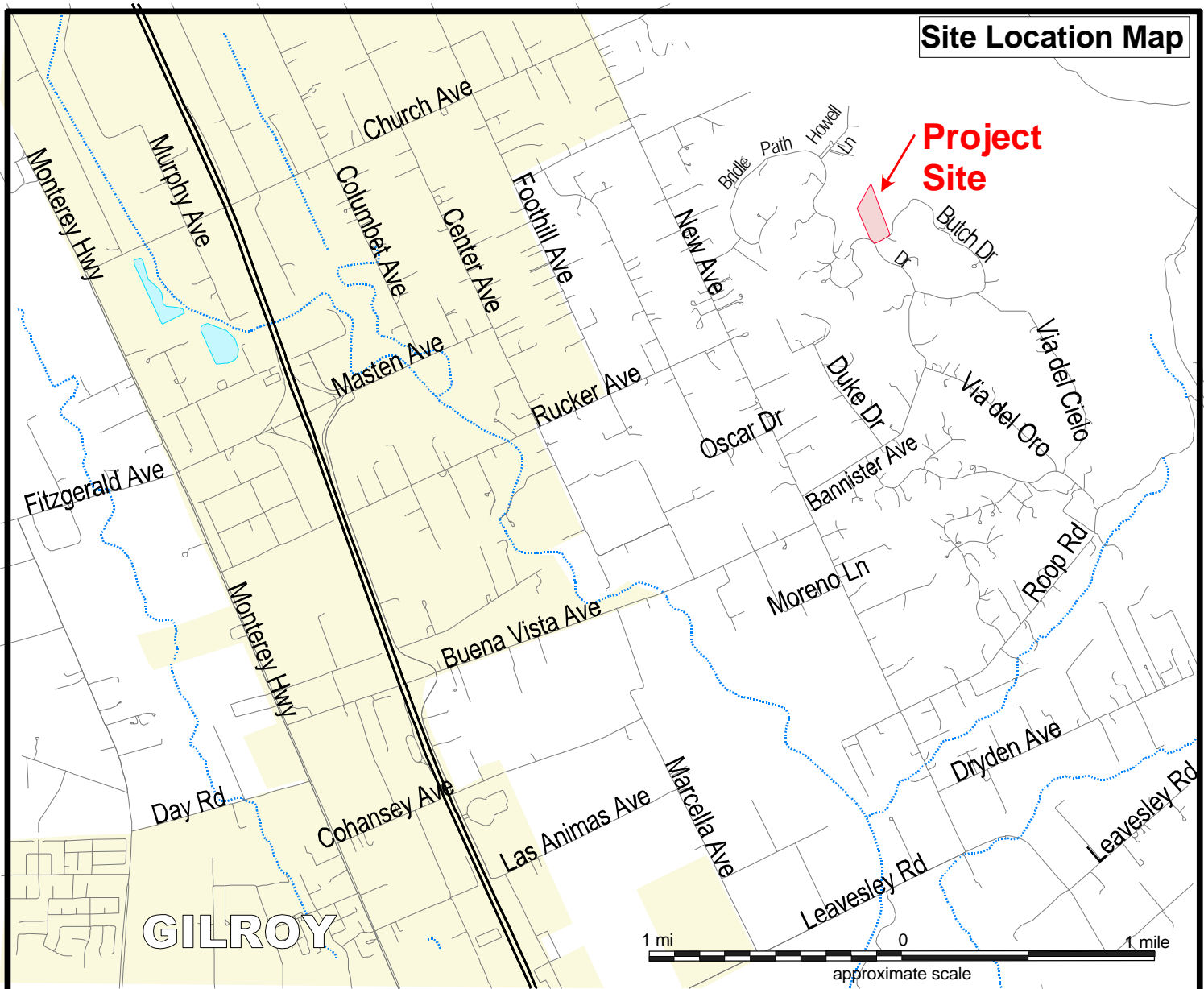
Attachment 1

Attachment 1: Photograph of Barren habitat.











Attachment 1: Historical photo of barren habitat from 2004 from Google Earth.







LEGEND

-  Approximate Project site
10.011 Ac.
-  35' Setback
-  Barren
0.097 Ac.
-  California Annual Grassland
4.292 Ac.
-  Category 2 Stream
0.128 Ac. 893 L.F.
-  Developed
5.056 Ac.
-  Mixed Riparian Woodland & Forest
0.447 Ac.
-  Off-site Willow Riparian Woodland & Forest
0.000 Ac. Onsite

Source:
U.S. Dept. of Agriculture, Natural Resources Conservation Service
USDA FSA Aerial Photography Field Office
Planimetric Features courtesy of Hanna Brunetti

Bridle Path Dr

Butch Dr



Live Oak Associates, Inc.

2546 Butch Drive
HCP Habitat Verification
Habitats

Date	Project #	Figure #
10/30/2020	2521-01	2

300' 0 150' 300 feet
approximate scale