



# memo san jose

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to **Noel Chamberlain**

from **Tay Peterson**

re **Highland Estates Lots 9 and 10, Biological Mitigation Compliance**

date **8/9/2019**

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This memorandum report summarizes the results of pre-construction surveys completed for the Highland Estates project in the San Mateo Highlands, specifically for lots 9 and 10 at the end of Cobblehill Place. The surveys were completed on August 9, 2019 to comply with biology mitigation measures included in the Conditions of Approval for the project. The weather was partly cloudy, cool, with a light breeze. The survey was conducted by Sr. Biologist Taylor Peterson between 7:15 and 8:30 am.

The following measures are included in the Conditions of Approval for the project:

***Mitigation Measure BIO-2a:*** No earlier than 30 days prior to the commencement of construction activities, a survey shall be conducted to determine if active woodrat nests (stickhouses) with young are present within the disturbance zone or within 100 feet of the disturbance zone. If active woodrat nests (stickhouses) with young are identified, a fence shall be erected around the nest site adequate to provide the woodrat sufficient foraging habitat at the discretion of a qualified biologist and based on consultation with the CDFG. At the discretion of the monitoring biologist, clearing and construction within the fenced area would be postponed or halted until young have left the nest. The biologist shall serve as a construction monitor during those periods when disturbance activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

*If woodrats are observed within the disturbance footprint outside of the breeding period, individuals shall be relocated to a suitable location within the open space by a qualified biologist in possession of a scientific collecting permit. This will be accomplished by dismantling woodrat nests (outside of the breeding period), to allow individuals to relocate to suitable habitat within the adjacent open space.*

***Mitigation Measure BIO-2b:*** No earlier than two weeks prior to commencement of construction activities that would occur during the nesting/breeding season of native bird

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*species potentially nesting/roosting on the site (typically February through August in the project region), a survey for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 500 feet of the construction zone. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction or tree removal work. If ground disturbance activities are delayed, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities. A report is required.*

**Mitigation Measure BIO-2c:** *Prior to the commencement of construction activities during the breeding season of native bat species in California (generally occurs from April 1 through August 31), a focused survey shall be conducted by a qualified bat biologist to determine if active maternity roosts of special-status bats are present within any of the trees proposed for removal. Should an active maternity roost of a special-status bat species be identified, the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. Once all young have fledged, then the tree may be removed. Species-appropriate replacement roosting habitat (e.g., bat boxes) shall be provided should the project require the removal of a tree actively used as a maternity roost. The replacement roosting habitat shall be subject to the approval of the CDFG.*

Lots 9 and 10 were surveyed for active bird nests, active bat roosts, and active woodrat stick houses on August 9, 2019. The results of the surveys are described below.

Measure 2a San Francisco Dusky-footed Woodrat Survey Results. Woodrat houses were relocated from lots 9, 10, and 11 in 2015 in compliance with Mitigation Measure BIO-2a and under a woodrat relocation plan submitted to the California Department of Fish and Wildlife (CDFW). A report of the results was also submitted. Lots 9 and 10 were re-checked for woodrat houses on November 26, 2018, June 18, 2019, July 16, 2019, and August 9, 2019. There are three woodrat houses within the grading area on Lot 9 that are assumed to be active. At this time of year it is possible that the rats are between breeding cycles. In addition, there are woodrat houses in specific locations around the perimeter of lots 9 and 10 that will require protection during construction. To comply with Mitigation Measure 2a, orange plastic fencing has been installed around the woodrat houses on Lot 9 to protect the houses from construction activities in a way that does not inhibit foraging. MIG consulted with Randi Adair of CDFW regarding the type and placement of fencing via email on July 19, 2019 (attached) and did not receive a reply as of July 25th. MIG conducted a subsequent

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survey on August 9, 2019 and contacted Kristin Garrison of CDFW. A response is pending. MIG has also flagged the location of woodrat houses in adjacent areas and recommends that plywood be installed between the houses and areas to be actively graded to protect the houses and clearly indicate their location to equipment operators. In addition, to comply with mitigation measure 2a a biologist should be present when construction activities occur near active houses to ensure that the houses are not inadvertently impacted by construction activities.

The three woodrat houses that are in the grading footprint on Lot 9 can be dismantled by a qualified biologist in possession of a scientific collecting permit outside of the breeding season, which is typically late July-September.

Per Mitigation Measure 2a, if construction is delayed for more than 30 days (to September 8, 2019), an additional survey for woodrat houses is required.

Measure 2b Nesting Bird Survey Results. Several bird species were observed/heard on July 16, 2019, but no active nests were found in the construction zone. Access and visibility within 500 feet of the lots is limited, but time was spent observing the perimeters and no active nests were located. Birds observed included American crow, Bewick's wren, scrub jay, Anna's hummingbird, spotted towhee, house finch, red-shouldered hawk (circling), black phoebe, dark-eyed junco, bushtit. Most birds were foraging.

If project work is delayed for two weeks (August 23) or longer between now and August 31, an additional nesting bird survey is required to comply with the mitigation measure. Surveys are not required after August 31.

Measure 2c Roosting Bat Survey Results. All trees on lots 9 and 10 were checked for evidence of roosting bats, including cavities, urine staining, insect debris, and guano. No evidence of roosting bats was found on lots 9 or 10.

Summary. In summary, at this time the project has complied with Mitigation Measures BIO-2a, BIO-2b, and BIO-2c, but these follow up items are required:

- A biological monitor needs to be present during grading near woodrat houses on lots 9 and 10;
- Woodrat houses within the grading footprint of Lot 9 can be dismantled by a biologist with a scientific collecting permit in August, per measure 2a.

Please do not hesitate to contact me if there are any questions. I can be reached at (650) 400-5767 or at [tpeterson@migcom.com](mailto:tpeterson@migcom.com).