

BIOLOGICAL RESOURCES ASSESSMENT

**NATIVITY OF CHRIST GREEK ORTHODOX CHURCH
NOVATO, MARIN COUNTY, CALIFORNIA**



LSA

August 2024

BIOLOGICAL RESOURCES ASSESSMENT

NATIVITY OF CHRIST GREEK ORTHODOX CHURCH NOVATO, MARIN COUNTY, CALIFORNIA

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The logo for LSA, consisting of the letters 'LSA' in a bold, blue, sans-serif font.

August 2024

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APPENDICES

A: USFWS IPAC LIST

LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|---------|--------------------------------------------------|
| CDFW | California Department of Fish and Wildlife |
| CEQA | California Environmental Quality Act |
| CESA | California Endangered Species Act |
| CFR | Code of Federal Regulations |
| CNDDB | California Natural Diversity Database |
| CNPS | California Native Plant Society |
| CWA | Clean Water Act |
| FESA | Federal Endangered Species Act |
| IPaC | Information for Planning and Consultation |
| MBTA | Migratory Bird Treaty Act |
| project | Nativity of Christ Greek Orthodox Church Project |
| USACE | United States Army Corps of Engineers |
| USDA | United States Department of Agriculture |
| USEPA | United States Environmental Protection Agency |
| USFWS | United States Fish and Wildlife Service |
| USGS | United States Geological Survey |
| WOTUS | waters of the U.S. |

INTRODUCTION

This report presents the results of a biological resources assessment conducted by LSA for the Nativity of Christ Greek Orthodox Church (project) site at 1110 Highland Drive in Novato, California. This assessment includes:

- A discussion of the regulatory setting regarding local, State, and federal regulations related to biological resources.
- A description of the project site with specific details of any potentially jurisdictional water or wetlands or sensitive habitat areas.
- Identification of any special-status species or nesting birds observed or potentially present.
- Identification of constraints due to potential project impacts that may be avoided or reduced under each of the California Environmental Quality Act (CEQA) Guidelines related to biological resources (per Appendix G of the CEQA Guidelines, Environmental Checklist).

SITE LOCATION AND SETTING

The project site's location is depicted on the United States Geological Survey (USGS) *Novato, California* topographic quadrangle map (Figure 1).

The 5.14-acre property is on a hill with existing buildings at 1110 Highland Drive, Novato, Marin County, California, situated 0.7 mile west of Interstate 101, 0.5 mile south of South Novato Boulevard, and 700 feet north of Ignacio Boulevard. The property is bounded by residential developments to the east, south, and west as shown on Figure 2. To the north there is some undeveloped land and houses, and the mostly undeveloped Josef Hoog Community Park.

PROJECT DESCRIPTION

The proposed project plan is shown in Figure 3.1 and Figure 3.2.

The proposed project has the following four major components:

1. Addition of a 1,746.83-square-foot narthex (entryway) to the northern portion of the existing church building;
2. Addition of a new rooftop dome feature to replace the existing cupola, which will increase the peak height of the church building to 53–58 feet;
3. Addition of an 1,800-square-foot pavilion shade structure to the southern portion of the existing hall building; and
4. Construction of new retaining walls northwest of the existing church building to allow for a new outdoor courtyard drop-off area that will lead to the proposed narthex.

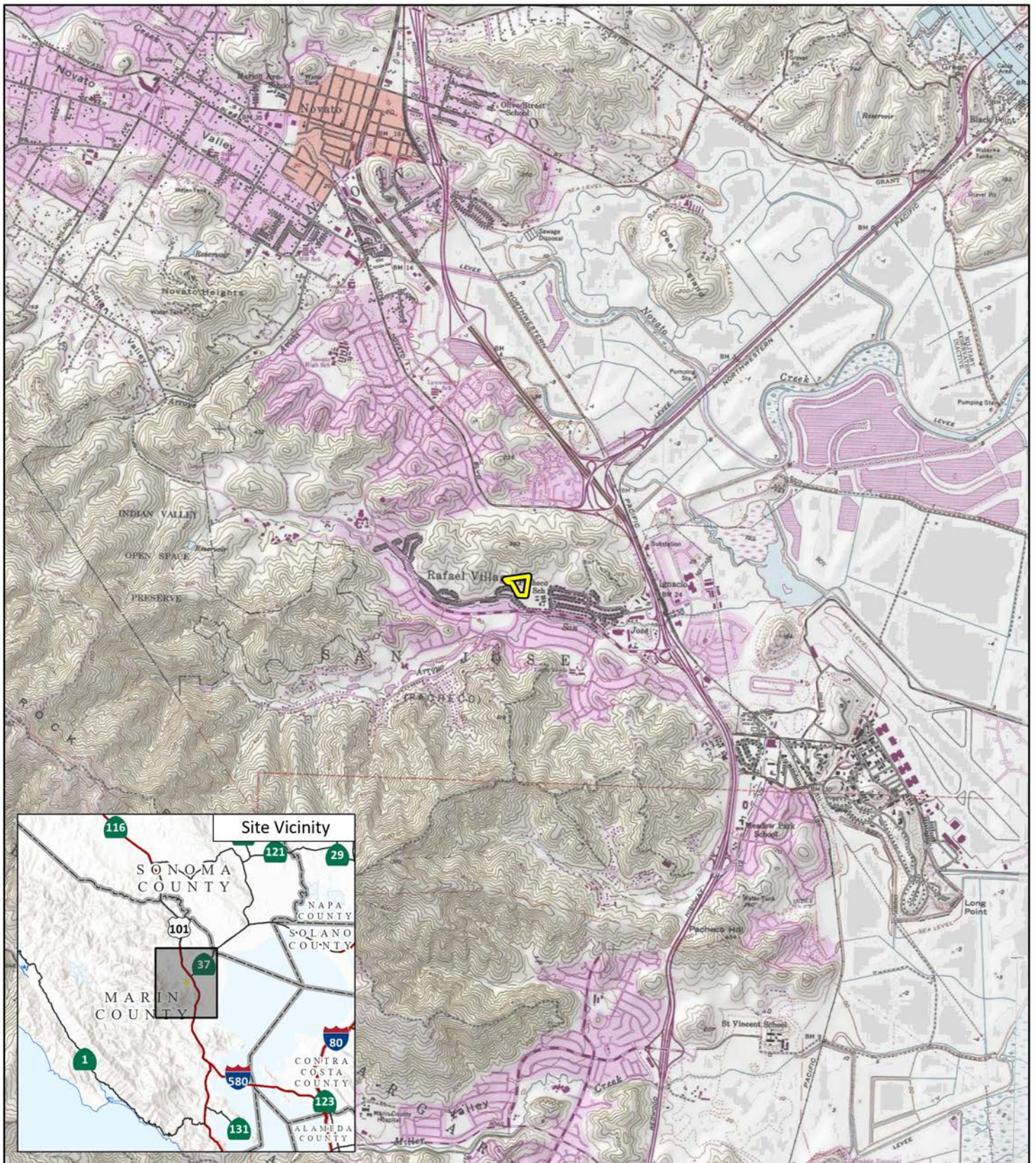


FIGURE 1

LSA

 Site Location

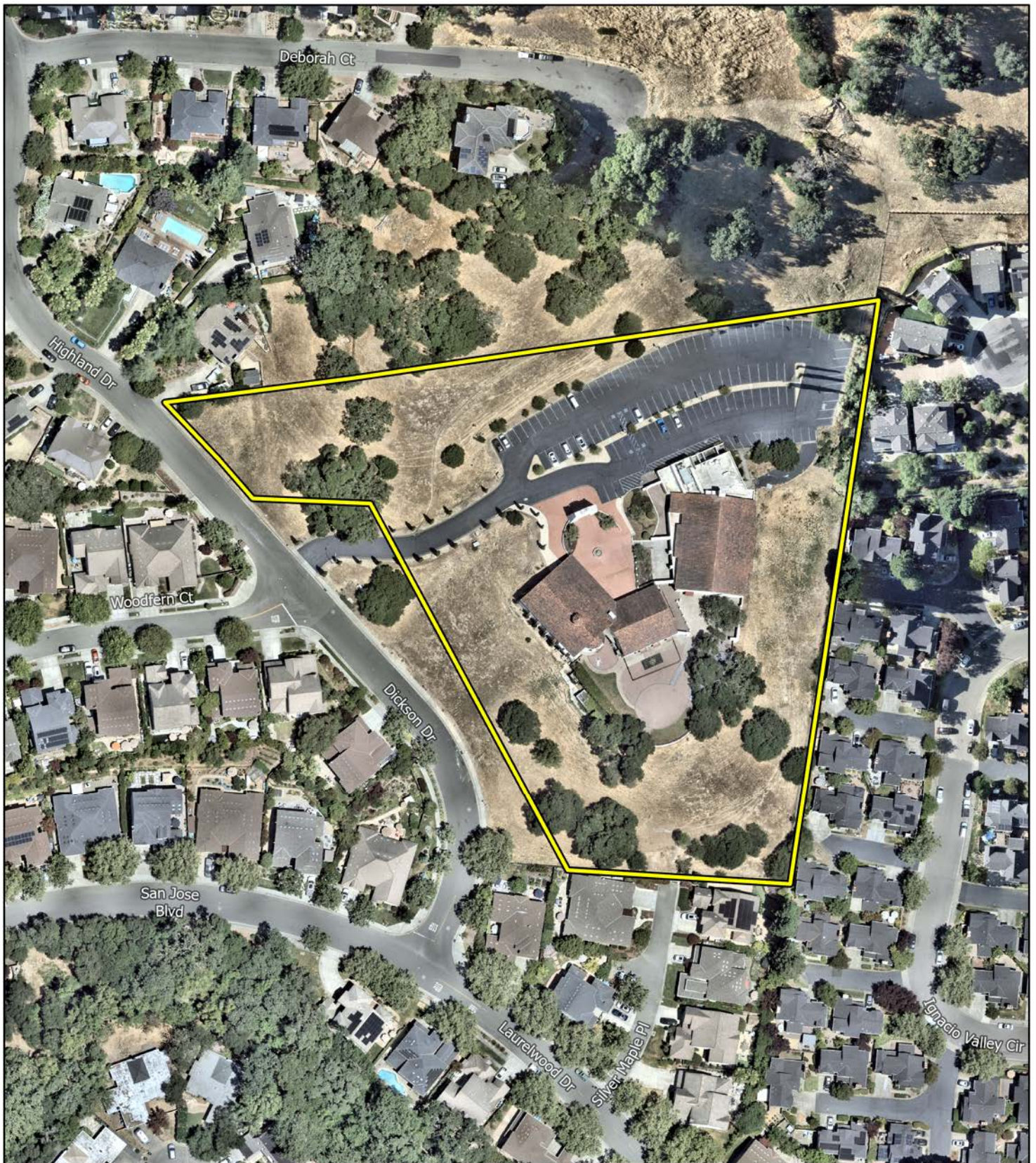


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FEET

SOURCE: Novato CA, 7.5' Quad (USGS 1980)

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Nativity of Christ Greek Orthodox Church
Site Location and Vicinity



LSA


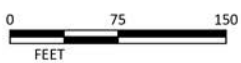
 Project Site

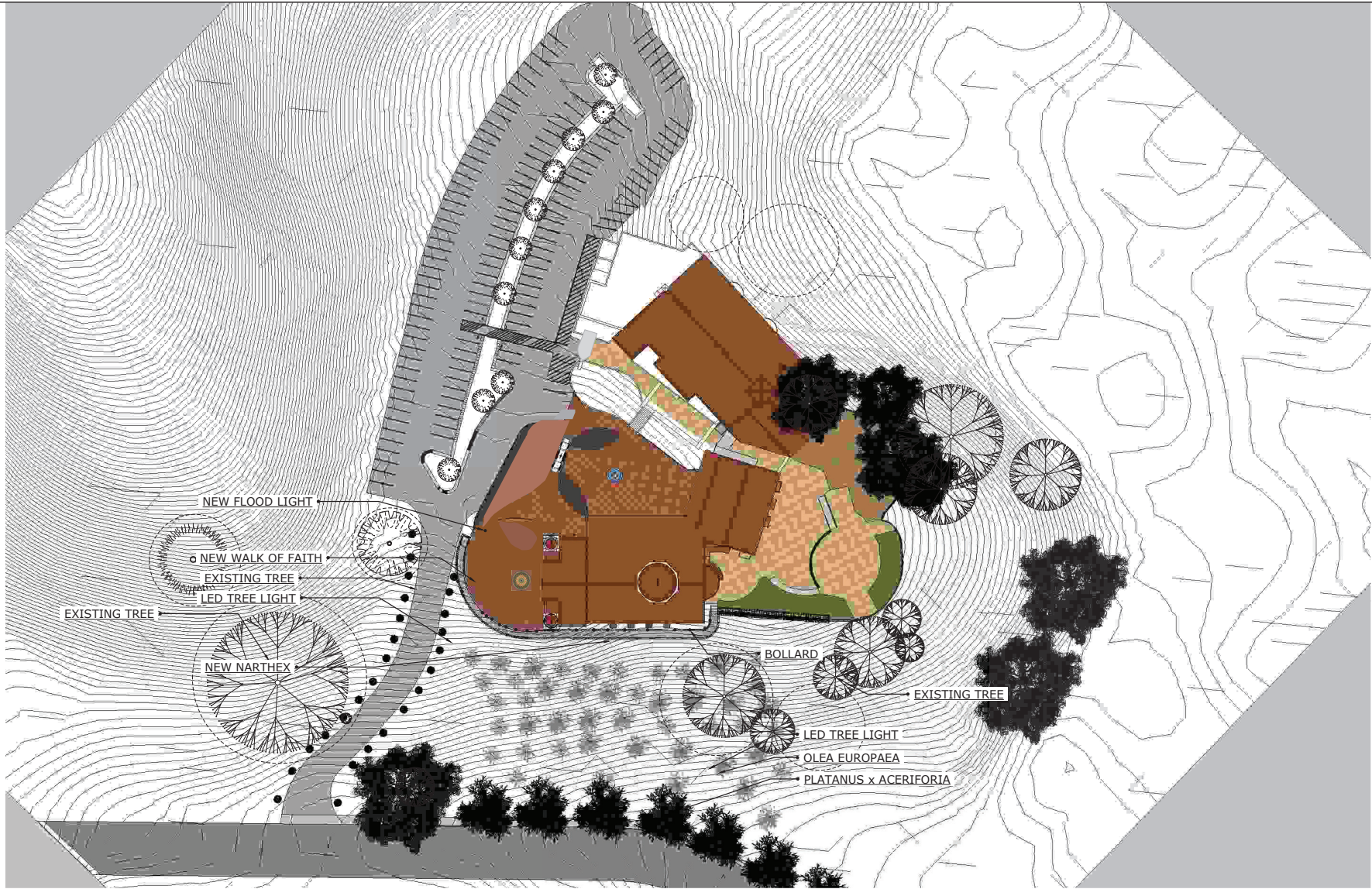
FIGURE 2



SOURCE: Nearmap (June 16, 2024)

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Nativity of Christ Greek Orthodox Church
Proposed Project Site



NATIVITY OF CHRIST

Greek Orthodox Church
Ignacio, California

SITE PLAN

March 22, 2024
PROJECT NUMBER: 0000000000

CONCEPT DESIGN
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Additionally, the project will involve the installation of three standard exterior parking stalls, exterior lighting, landscaping, and Americans with Disabilities Act-compliant parking lot ramp and elevator for the hall building.

REGULATORY CONTEXT

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) has jurisdiction over federally listed threatened and endangered plant and animal species. The Federal Endangered Species Act (FESA) protects listed species from harm or “take,” which is broadly defined as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Any such activity can be defined as a “take” even if it is unintentional or accidental. Listed plant species are typically provided less protection than listed animals.

An endangered species is one that is considered in danger of becoming extinct throughout all or a significant portion of its range. A threatened species is one that is likely to become endangered in the foreseeable future. Federal agencies involved in permitting projects that may result in take of federally listed species (e.g., United States Army Corps of Engineers [USACE]) are required under Section 7 of the FESA to consult with the USFWS prior to issuing such permits. Any activity that could result in the take of a federally listed species and is not authorized as part of a Section 7 consultation requires an FESA Section 10 take permit from the USFWS.

Clean Water Act Section 404 (33 United States Code Sections 1251 to 1376)

The USACE is responsible under Section 404 of the Clean Water Act (CWA) to regulate the discharge of fill material into waters of the U.S. (WOTUS). The CWA provides the primary means for the protection of “waters of the United States,” including wetlands. Under Section 404 of the CWA, the USACE, under the United States Environmental Protection Agency (USEPA), regulates the discharge of dredged and fill material into WOTUS, including wetlands.

The CWA addresses “navigable waters,” defined in the statute as WOTUS. The USACE has further refined the definition through various Clean Water Rules, including wetlands as a subset of WOTUS. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas (33 Code of Federal Regulations [CFR] 328.3[b]; 40 CFR 230.3[t]). Wetlands contain three distinct parameters: hydrophytic vegetation, hydric soils, and wetland hydrology.

WOTUS generally not considered to be USACE-jurisdictional include nontidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds excavated on dry land used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions (51 Federal Register 41, 217 1986). In addition, a Supreme Court ruling (*South Waste Agency of North Cook County [SWANCC] v. USACE*, January 9, 2001) determined that the USACE exceeded its statutory authority by asserting CWA jurisdiction over “an abandoned sand and gravel pit in northern Illinois, which provides habitat for migratory birds.” Based solely on the

use of such waters by migratory birds, the Supreme Court’s holding was strictly limited to waters that are “non-navigable, isolated, and intrastate.”

The Supreme Court further addressed the extent of the USACE’s jurisdiction in the consolidated cases *Rapanos v. United States* (No. 04-1034) and *Carabell v. United States* (No. 04-1384 [USACE and USEPA 2007]), referred to as “*Rapanos*.” In *Rapanos*, a sharply divided Court issued multiple opinions, none of which garnered the support of a majority of the Justices. This created substantial uncertainty as to which jurisdictional test should be used in routine jurisdictional determinations. The Ninth Circuit Court of Appeals, which encompasses California, answered this in *Northern California River Watch v. City of Healdsburg* (August 11, 2006). In this case, the Court held that Justice Kennedy’s opinion in *Rapanos* provided the controlling rule of law. Under that rule, wetlands or other waters that are not navigable are subject to USACE jurisdiction if they have “a significant nexus to waters that are navigable in fact.” As Justice Kennedy explained, whether a “significant nexus” exists in any given situation will need to be decided on a case-by-case basis, depending on site-specific circumstances. The USEPA and USACE subsequently developed an instructional guidebook on how to apply these rulings for all future jurisdictional determinations (USACE and USEPA 2007), as well as a memorandum providing guidance to implement the United States Supreme Court’s decision in *Rapanos* (Grumbles and Woodley 2007).

On January 18, 2023, the USACE published in the Federal Register the final *Revised Definition of “Waters of the United States* (88 Federal Register 2004). On March 25, 2023, the United States Supreme Court modified the January 2023 definition of WOTUS in *Sackett v. Environmental Protection Agency* (No. 21-454), herein referred to as “*Sackett*.” Specifically, the Court considered the “significant nexus” standard established under *Rapanos* to be inconsistent with the CWA while upholding the plurality standard that the USACE jurisdiction is limited to WOTUS that are “relatively permanent, standing or continuously flowing bodies of water” that can be described in ordinary parlance as “streams, oceans, rivers, and lakes.” The Supreme Court further affirmed that wetlands can be considered WOTUS when a continuous surface connection to bodies that are WOTUS is present and that no clear boundary exists between WOTUS and wetlands. *Sackett* further revised the CWA by removing interstate wetlands from consideration as WOTUS.

On September 8, 2023, the USACE published a final rule conforming the January 2023 rule with the *Sackett* decision, removing the “significant nexus” standard. The amended rule is operative in California.

Features currently **included** in the definition of WOTUS per 33 CFR 328.3(b) include:

- (1) Waters which are:
 - (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (ii) The territorial seas; or
 - (iii) Interstate waters;

- (2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section
- (3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water
- (4) Wetlands adjacent to the following waters
 - (i) Waters identified in paragraph (a)(1) of this section, or
 - (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters
- (5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

Features currently **excluded** from identification as WOTUS per 33 CFR 328.3(b) include:

- Intrastate streams and wetlands.
- Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the CWA.
- Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.
- Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water.
- Artificially irrigated areas that would revert to dry land if the irrigation ceased.
- Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons.

- Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel, unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of WOTUS.
- Swales and erosional features (e.g., gullies, small washes) characterized by low-volume, infrequent, or short-duration flow.

In general, a USACE permit must be obtained before placing fill or grading in jurisdictional wetlands or other WOTUS. The USACE will be required to consult with the USFWS and/or National Marine Fisheries Service under Section 7 of the FESA if the action subject to CWA permitting could result in take of federally listed species.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, and their eggs and nests. As used in the MBTA, the term “take” is defined as “to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.” This act covers all bird species native to the United States.

California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) has jurisdiction over State-listed endangered, threatened, and rare plant and animal species under the California Endangered Species Act (CESA). In addition, species designated as “candidates” for listing under the CESA are protected by its provisions. CDFW also maintains a list of Species of Special Concern, defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats. Species of Special Concern are not afforded legal protection under the CESA. The CESA prohibits “take” of listed and candidate species.

California Fish and Game Code Section 86 defines “take” as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”

California Fish and Game Code

CDFW is also responsible for enforcing the California Fish and Game Code, which contains several provisions potentially relevant to construction projects. For example, Section 1602 of the California Fish and Game Code governs CDFW’s issuance of Lake and Streambed Alteration Agreements. Lake and Streambed Alteration Agreements are required whenever proposed project activities would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated as such by CDFW.

The California Fish and Game Code also designates some animal species as fully protected, which may not be taken or possessed without a permit from the California Fish and Game Commission and/or CDFW. These take permits do not allow “incidental take” (except in limited circumstances) and are more restrictive than the take allowed under Section 2081 of the CESA. Fully protected

species are listed in Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), and 5515 (fish) of the California Fish and Game Code.

Section 3503 of the California Fish and Game Code prohibits the take, possession, or needless destruction of the nest or eggs of any bird. Subsection 3503.5 specifically prohibits the take, possession, or destruction of any birds in the order of Falconiformes (hawks and eagles) or Strigiformes (owls) and their nests. These provisions, along with the federal MBTA, essentially serve to protect nesting native birds. Nonnative species are not afforded any protection under the MBTA or California Fish and Game Code (except that hunting regulations apply to some nonnative species listed as gamebirds).

California Environmental Quality Act

CEQA applies to “projects” proposed to be undertaken or requiring approval by State or local government agencies. Projects are defined as having the potential to have physical impact on the environment.

Special-Status Species

For the purposes of CEQA and this assessment, special-status species are defined as follows:

- Species that are listed, formally proposed, or designated as candidates for listing as threatened or endangered under the FESA;
- Species that are listed, or designated as candidates for listing, as rare, threatened, or endangered under the CESA;
- Wildlife species designated as Species of Special Concern or Fully Protected by the CDFW;
- Species that meet the definition of rare, threatened, or endangered under Section 15380 of the CEQA Guidelines; or
- Species that are considered a taxa of special concern by local agencies.

Riparian Habitat and Other Sensitive Natural Communities

The California Wildlife Conservation Board defines riparian areas as “transitional zones between terrestrial and aquatic systems that exhibit characteristics of both systems. They are typically vegetated with lush growths of grasses, forbs, shrubs, and trees that are tolerant of periodic flooding and have sediments that are rich in nutrients and organic matter.”

CDFW tracks the occurrences of natural plant communities that are of limited distribution statewide, or within a county or region where they are often vulnerable to the effects of development projects. In the most recent list of vegetation alliances/natural communities recognized in California, alliances with a NatureServe State ranking code of S1 through S3 are “highly imperiled” and impacts to “high-quality occurrences” of these communities may be considered significant under CEQA. Whether a natural plant community is imperiled or not can be determined by checking CDFW’s *List of Vegetation Alliances and Associations*. Some imperiled vegetation

associations can be difficult to distinguish from common plant communities without a quantitative vegetation description. For example, patches of native grassland comprising at least 15 percent relative cover in a grassland area are considered a sensitive natural community by CDFW.

City of Novato Municipal Code

Novato General Plan 2035 was adopted by the Novato City Council on October 27, 2020. One goal is to “preserve, enhance and restore natural areas and features, including Novato’s scenic hillsides waterways, riparian corridors, and baylands, and special-status species.”

The Environmental Impact Report for the General Plan requires biological studies for new development, as described in Measure BIO-2:

BIO-2 Biological Studies for New Development. Project applicants shall be required to provide a biological resources assessment for projects on parcels with potentially suitable habitat or potential for the occurrence of special status species with indicators of sensitive biological features, such as waterways. The biological resources assessment shall be conducted by a qualified biologist and will include a data review and habitat assessment prior to project activities to identify whether any special-status plant or animal species habitat or sensitive natural communities occur on-site.

The data reviewed shall include the biological resources setting, Appendix C species list, and best available, current data for the area, including current review of the California Natural Diversity Database. Habitat assessments shall be completed at an appropriate time of year for identifying potential habitat and no more than one year prior to commencement of project activity. The purpose of these biological resources assessments is to identify appropriate measures to avoid or minimize harm to sensitive biological resources and to incorporate the recommended measures as conditions of approval for the project. Based on the results of the biological resources assessment, the qualified biologist will provide site-specific mitigation measures to avoid special status species or reduce impacts to a less than significant level.

METHODS

DATABASE SEARCH AND LITERATURE REVIEW

Prior to conducting fieldwork, LSA searched the California Natural Diversity Database (CNDDDB) (CDFW 2024) for records of special-status plant and wildlife species and sensitive habitat occurrences within 5 miles of the project site. LSA also searched the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California for all records of special-status species on the *Novato, California* USGS quadrangle (CNPS 2024).

LSA obtained an unofficial species list of federally protected species from the USFWS's Information for Planning and Consultation (IPaC) database (Appendix A). This list identifies threatened, endangered, proposed, and candidate plant and wildlife species, as well as proposed and final designated critical habitat, that may occur within the boundary of the project site and/or may be affected by the project.

Based on these outputs and the results of the field survey described below, LSA developed Table A: Special-Status Plant Species' Potential to Occur, Table B: Sensitive Natural Communities Evaluated, and Table C: Special-Status Animal Species' Potential to Occur. These tables (provided later in this report) were used as a target list for special-status species and communities on the project site.

LSA used the United States Department of Agriculture (USDA) Web Soil Survey to map the soils on the site (USDA n.d.). LSA also reviewed current and historic Google Earth aerial images of the site.

FIELD SURVEY

LSA Senior Biologist John Kunna visited the site on July 24, 2024. During the survey, Mr. Kunna walked all accessible outdoor areas of the parcel as well as the adjacent open space uphill (north of the parking lot). The weather at the time of the field survey was clear and hot, and visibility was excellent. He recorded observations in a notebook and on an aerial photograph and took photographs. He checked the buildings for evidence of bat use and used binoculars to aid in observations of wildlife and habitats. Mr. Kunna also identified trees on the site; however, this report does not serve as a certified arborist report or tree inventory.

RESULTS

LAND USE

The property is mostly developed with church buildings and an associated parking lot.

SOILS

Approximately 84 percent of the property is mapped as Tocaloma-Suarin association, very steep. Approximately 16 percent of the property is mapped as Xerothents-Urban land complex.

VEGETATION

There are no intact native vegetation communities on the project site, because the entire site is either developed or mowed. The lawn of the church appears to be mowed regularly, and most of the grasses were dead and could not be identified. Within the lawn on the southwest side there were numerous vinegarweed (*Trichostema lanceolatum*) plants.

Tree species on the site include pines (*Pinus* sp.), Italian cypress (*Cupressus sempervirens*), bay laurel (*Umbellularia californica*), and live oak (*Quercus agrifolia*).

The CNDDDB query returned 10 special-status plant species with occurrences within 5 miles of the site. The CNPS Online Inventory returned a list of 11 species, of which 7 had already shown up in the CNDDDB query. The USFWS IPaC list contained one federally listed plant species: Marin dwarf-flax (*Hesperolinon congestum*), which had already been returned by the CNDDDB and CNPS queries.

Table A summarizes the potential for each of these 14 species to occur on the site. No special-status plant species were detected during the site visit. Special-status plant species are rare due to a combination of factors including restriction to rare soil types, vegetation communities or vernal pools, and inability to compete with nonnative invasive species.

Due to its disturbed condition, isolation from natural areas, and the lack of suitable soil substrates (e.g., salt marsh, vernal pools, chaparral, saline or alkaline substrates), the project site does not provide suitable habitat for any of these special-status plant species.

SENSITIVE NATURAL COMMUNITIES

The CNDDDB query returned one sensitive natural community — Northern Coastal Salt Marsh— that has occurrences within 5 miles of the site, as shown in Table B. This community is not present on the site.

Table A: Special-Status Plant Species' Potential to Occur

| Species | Status* (Federal/State/RPR) | Habitat/Blooming Period | Potential to Occur |
|--------------------------------------------------------------------------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Allium peninsulare</i> var. <i>Franciscanum</i> Franciscan onion | --/--/1B | Cismontane woodland, valley/foothill grassland, often on serpentinite substrates. Blooms April to June. | None. Suitable habitat is not present on the project site. There are no CNDDDB occurrences within 5 miles of the site. |
| <i>Amorpha californica</i> var. <i>Napensis</i> Napa false indigo | --/--/1B | Openings in broad-leaved upland forest, chaparral, cismontane woodland. Blooms April to July. | None. Suitable habitat is not present on the project site. |
| <i>Amsinckia lunaris</i> Bent-flowered fiddleneck | --/--/1B | Occurs on gravelly slopes in valley and foothill grassland, coastal bluff scrub, and openings within cismontane woodland. This species is often found on serpentinite soils. Blooms March to June. | None. Suitable habitat is not present on the project site. There is one CNDDDB occurrence within 5 miles, based on a collection made in 1938. |
| <i>Arctostaphylos montana</i> ssp. <i>Montana</i> Mt. Tamalpais manzanita | --/--/1B | Chaparral, valley/foothill grassland, on rock serpentinite substrates. Blooms February to April. | None. Suitable habitat is not present on the project site, and no manzanitas were observed during the site visit. |
| <i>Chloropyron maritimum</i> ssp. <i>palustre</i> Point Reyes salty bird's-beak | --/--/1B | Coastal salt marshes and swamps. Blooms June to October. | None. There is no salt marsh or swamp on the site. There is one CNDDDB occurrence within 5 miles of the site along Gallinas Creek. |
| <i>Eriogonum luteolum</i> var. <i>caninum</i> Tiburon buckwheat | --/--/1B | Chaparral, woodland, coastal prairie, valley/foothill grassland on serpentinite substrates. Blooms May to September. | None. Suitable habitat is not present, and no buckwheat plants were observed during the survey. |
| <i>Fritillaria liliacea</i> Fragrant fritillary | --/--/1B | Woodland, coastal scrub, prairie, valley/foothill grassland, often on serpentinite substrates. Blooms February to April. | Not expected to occur. The soils on the site are not serpentinite, and the disturbed nature of the site is not suitable for the species. There are two CNDDDB occurrences within 5 miles of the site. |
| <i>Hemizonia congesta</i> ssp. <i>Congesta</i> Congested-headed hayfield tarplant | --/--/1B | Valley/foothill grasslands, sometimes roadsides. Blooms April to November. | Not expected to occur. No tarplants were observed on the site during the survey. |
| <i>Hesperolinon congestum</i> Marin dwarf flax | FT/ST/1B | Chaparral and valley/foothill grassland on serpentinite substrates. Blooms April to July. | None. Suitable habitat is not present on the project site, and this species was not observed during the survey. |

Table A: Special-Status Plant Species’ Potential to Occur

| Species | Status* (Federal/State/RPR) | Habitat/Blooming Period | Potential to Occur |
|---------------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Lessingia micradenia</i> var. <i>macradenia</i> Tamalpais lessingia | --/--/1B | Chaparral, valley/foothill grassland usually on serpentinite substrates. Blooms June to October. | None. Suitable habitat is not present on the project site, and this species was not observed during the survey. There are no CNDDB occurrences within 5 miles of the site. |
| <i>Navarretia leucocephala</i> ssp. <i>Bakeri</i> Baker’s navarretia | --/--/1B | Vernal pools and seeps in cismontane woodland, lower montane coniferous forest, and valley and foothill grassland. Blooms April to July. | None. There are no vernal pools, alkaline soils, marshes, or swamps on the site. There is one CNDDB occurrence within 5 miles of the site, at Mount Burdell Open Space Preserve. |
| <i>Sagittaria sanfordii</i> Sanford’s arrowhead | --/--/1B | Shallow freshwater marshes and swamps. Blooms May to October, sometimes November. | None. There is no marsh or swamp on the site. There are no CNDDB occurrences within 5 miles of the site. |
| <i>Streptanthus anomalus</i> Mount Burdell jewelflower | --/--/1B | Cismontane woodland, serpentine. Blooms May to June. | None. Suitable habitat is not present on the project site. There are no CNDDB occurrences within 5 miles of the site. |
| <i>Streptanthus glandulosus</i> ssp. <i>Pulchellus</i> Mt. Tamalpais bristly jewelflower | --/--/1B | Chaparral, valley/foothill grassland on serpentinite substrates. Blooms May to July, sometimes August. | None. Suitable habitat is not present on the project site, and this species was not observed during the survey. |

Source: California Native Plant Society 2024.

*Status:

FT = Federally listed as threatened

ST = State listed as threatened

1A = Plants presumed extirpated in California and either rare or extinct elsewhere

1B = Plants rare, threatened, or endangered in California and elsewhere

2B = Plants rare, threatened, or endangered in California, but more common elsewhere

CNDDB = California Natural Diversity Database; RPR = Rare Plant Rank

Table B: Sensitive Natural Communities Evaluated

| Sensitive Natural Communities/Habitats | Status* | Presence within Project Site | Discussion |
|----------------------------------------|---------|------------------------------|------------------------------------------------------------|
| Northern Coastal Salt Marsh | G3 S3.2 | Absent from project site. | There is no salt marsh on or adjacent to the project site. |

Source: California Department of Fish and Wildlife CNDDDB 2024.

*Sensitive Natural Communities

G3 = Vulnerable. Throughout its range, this natural community is imperiled with a high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.

S3.2 = Vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the State.

WILDLIFE

Common bird species that were observed include American crow (*Corvus brachyrhynchos*) and California towhee (*Melospiza crissalis*). No large stick nests were detected. No large cavities in trees that could be used by owls or bats were detected either. Although no active or inactive bird nests were seen on the site, a variety of native bird species could nest in the trees on and adjacent to the site each year.

Two black-tailed deer (*Odocoileus hemionus*) (a doe and a fawn) were seen on the site. No evidence of bat roosts (i.e., staining, guano) was seen on the site. Small holes near the foundation of the church may have been created by rats. Several rodenticide bait stations were seen around the outside of the buildings.

Only one reptile species was detected: western fence lizard (*Sceloporus occidentalis*).

Special-Status Wildlife Species

No special-status wildlife species or their sign were detected during the reconnaissance-level site survey.

The CNDDDB query returned 17 special-status wildlife species with occurrences within 5 miles of the site. The CNDDDB also had occurrences for a great blue heron rookery within 5 miles of the site. Great blue heron is not a special-status species, but its large nesting rookeries are protected and tracked by the CNDDDB. The IPaC list (Appendix A) had an additional five federally protected species (California least tern, northern spotted owl, green sea turtle, California red-legged frog, and monarch butterfly) for which the CNDDDB does not have occurrences within 5 miles of the site. The combined list of Table C summarizes the potential for each of these 22 species to occur on the site. For special-status bird species, the potential to occur refers only for the potential to nest on the project site or within a buffer of the project site. The size of the buffer is species-specific and is based on agency guidelines. For monarch butterfly, the potential to occur refers to wintering roosts and reproduction because they too may fly over or forage on the site.

Based upon analysis of the CNDDDB occurrences, conditions observed during the survey, and an analysis of habitat requirements for individual species, none of these special-status wildlife species were determined to have any potential to occur.

Table C: Special-Status Animal Species' Potential to Occur

| Species | Status* (Federal/State/ CDFW) | Habitat Requirements | Potential to Occur |
|-------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Amphibians | | | |
| <i>Dicamptodon ensatus</i> California giant salamander | --/--/CSC | Occurs in the moist coniferous and mixed coniferous forest of the north-central Coast Ranges. Adults are terrestrial and fossorial, breeding in cold, mostly permanent streams. Larvae usually remain aquatic for over a year. | None. There is one CNDDDB occurrence within 5 miles of the site, based on an observation in 2010 in Lucas Valley Open Space Preserve. There is no suitable habitat on or near the site, and the site is isolated from known populations by extensive development. |
| <i>Rana boylei</i> Foothill yellow-legged frog North Coast Distinct Population Segment | --/--/CSC | Found in streams with clear water and gravel or rocky substrates. Requires perennial or nearly perennial pools in streams or flowing water. Needs some cobble-sized rocks as a substrate for egg laying. | None. There is one "possibly extirpated" CNDDDB occurrence and one presumed extant occurrence within 5 miles of the site. There is no suitable habitat on or near the site. |
| <i>Rana draytonii</i> California red-legged frog | FT/--/CSC | Inhabits permanent and temporary pools, streams, and marshes in lowlands and foothills. Uses adjacent upland habitat for foraging and refuge. Breeds during the wet season from December through March in slow parts of streams, lakes, reservoirs, ponds, and other waters with emergent vegetation. | None. There is no suitable breeding habitat on or near the site, and the site is isolated from known populations by extensive development. There are no CNDDDB occurrences within 5 miles of the site. |
| Reptiles | | | |
| <i>Actinemys marmorata</i> Northwestern pond turtle | Proposed FT/--/CSC | Permanent or nearly permanent water (fresh to brackish) in a wide variety of habitat types. Requires basking sites such as steep banks, logs, or rocks. Upland areas with friable soils are required for egg laying. | None. There is no suitable aquatic habitat on or near the site. There are two CNDDDB occurrences within 5 miles of the site, based on observations in ponds. |
| <i>Chelonia mydas</i> Green sea turtle | FT/--/-- | Spends most of its life in the ocean. Nests on sandy beaches. | None. There is no suitable habitat on the site. There are no CNDDDB occurrences within 5 miles of the site. |
| Birds | | | |
| <i>Athene cunicularia</i> Burrowing owl | --/--/CSC | Nearly or quite level grassland, prairie, and desert floor with short or sparse vegetation. Subterranean nester that generally uses existing mammal burrows (especially of ground squirrels) but will also excavate its own burrows. | None. There are four presumed extant CNDDDB occurrences within 5 miles of the project site. No suitable burrows were observed, and the generally barren nature of the site provides no prey base. |

Table C: Special-Status Animal Species' Potential to Occur

| Species | Status* (Federal/State/ CDFW) | Habitat Requirements | Potential to Occur |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Charadrius nivosus nivosus</i> Western snowy plover | FT/--/CSC | A shorebird that nests on the ground, requiring sandy or gravelly soils in which it can excavate a small nest. Forages on sandy beaches, salt pond levees, and the shores of large alkali lakes. | None. There is no suitable habitat on the site. The CNDDDB has one occurrence within 5 miles, based on observations at a wetland restoration site. |
| <i>Elanus leucurus</i> White-tailed kite | --/--/CFP | Nests in shrubs and trees in open areas and forages in adjacent grasslands and agricultural land. | None. Although some of the trees adjacent to the site could be suitable for nesting, the site is too small to provide an adequate prey base for foraging. There is one CNDDDB occurrence within 5 miles of the site, based on an observation made in 1973. |
| <i>Geothlypis trichas sinuosa</i> Salt marsh common yellowthroat | --/--/CSC | Salt, brackish, and freshwater marshes; and riparian woodlands. Nests on or near ground in low vegetation near water. Brushy habitats used in migration. Forages among wetland herbs and shrubs for insects primarily. | None. Suitable habitat (marshes, low vegetation near water) is absent from the site. The CNDDDB contains three presumed extant occurrences within 5 miles of the site. |
| <i>Laterallus jamaicensis coturniculus</i> California black rail | --/CT/CFP | Salt marshes bordering larger bays, also found in brackish and freshwater marshes. | None. Suitable salt marsh habitat is absent from the site. There are eight CNDDDB occurrences within 5 miles of the site. |
| <i>Melospiza melodia maxillaris</i> Suisun song sparrow | --/--/CSC | Tidal and muted salt marshes on the fringes of Suisun Bay. Nests near tidal channels along the edges of sloughs and bays. Forages on the ground, including tidally exposed mud. | None. There is no suitable salt marsh habitat on the site. The CNDDDB contains seven presumed extant occurrences within 5 miles of the site. |
| <i>Rallus obsoletus obsoletus</i> California Ridgway's rail (formerly California clapper rail, <i>Rallus longirostris obsoletus</i>) | FE/CE/CFP | Tidal salt marshes with sloughs and substantial cordgrass (<i>Spartina</i> sp.) cover. | None. There is no suitable habitat on or near the site. There are several CNDDDB occurrences within 5 miles of the site based on observations made in salt marshes. |
| <i>Sterna antillarum browni</i> California least tern | FE/CE/CFP | Nests on the ground on sandy beaches, alkali flats, hard-pan surfaces (salt ponds). | None. There is no suitable nesting habitat on the site. There are no CNDDDB occurrences within 5 miles of the site. |

Table C: Special-Status Animal Species' Potential to Occur

| Species | Status* (Federal/State/ CDFW) | Habitat Requirements | Potential to Occur |
|----------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Strix occidentalis caurina</i> Northern spotted owl | FT/CT/-- | Found in large stands of Douglas fir/evergreen hardwood forests. Nests primarily in tree cavities, but also uses platform nests in drier areas. | None. The CNDDDB does not track this species. There is no suitable nesting habitat on the site. |
| Mammals | | | |
| <i>Reithrodontomys raviventris</i> Salt marsh harvest mouse | FE/CE/CFP | Tidal salt marshes of San Francisco Bay and its tributaries. Requires tall, dense pickleweed (<i>Salicornia</i> spp.) for cover. | None. No potential to occur due to lack of tidal salt marsh on or near the project site. No pickleweed was seen on the site. There is CNDDDB occurrence within 5 miles of the site. |
| <i>Antrozous pallidus</i> Pallid bat | --/--/CSC | Roosts in caves, tunnels, and occasionally vacant buildings and hollow trees. Forages over a variety of habitats. | None. The CNDDDB contains two “possibly extirpated” occurrences within 5 miles of the site. No suitable roosting sites present on the site. |
| <i>Corynorhinus townsendii</i> Townsend’s big-eared bat | --/--/CSC | Found in humid coastal regions of northern and central California. Roosts in caves, mines, and buildings. | None. There is no potential roosting habitat on the site, and no bat sign was detected. There is one CNDDDB occurrence within 5 miles of the site, based on an observation made in 1937. |
| Fishes | | | |
| <i>Acipenser medirostris</i> Green sturgeon southern Distinct Population Segment | FT/--/CSC | Found in the coastal waters and inland bays and rivers from San Francisco Bay to British Columbia. Anadromous and requires both marine and estuarine environments to forage, and freshwater environments to spawn. Spawning habitat found in deep pools in large, turbulent, freshwater river mainstreams. | None. There are no coastal waters on or near the site. There is one CNDDDB occurrence within 5 miles of the site. |
| <i>Eucyclogobius newberryi</i> Tidewater goby | FE/--/-- | Found in brackish lagoons, estuaries, and marshes along the California coast. | None. There is no aquatic habitat on or near the site. There is one extirpated CNDDDB occurrence within 5 miles. |
| <i>Pogonichthys macrolepidotus</i> Sacramento splittail | --/--/CSC | Rivers, lakes, sloughs; tolerant of brackish water in estuaries and the lower reaches of rivers. Spawns in areas of flooded vegetation (during high water), with the fertilized adhesive eggs sticking to submerged vegetation and debris. | None. Suitable creek habitat is not present on the site. There is one CNDDDB occurrence within 5 miles of the site. |

Table C: Special-Status Animal Species' Potential to Occur

| Species | Status* (Federal/State/ CDFW) | Habitat Requirements | Potential to Occur |
|--------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Spirinchus thaleichthys</i> Longfin smelt | FE/CT/CSC | Spends its adult life in bays, estuaries, and nearshore coastal areas, and migrates into freshwater rivers and tidally influenced freshwater wetlands to spawn. | None. Suitable freshwater river habitat not present on or near the site. |
| Invertebrates | | | |
| <i>Danaus plexippus plexippus</i> Monarch butterfly | FC/--/-- | Lays eggs on the larval host plant milkweed and overwinters in large aggregations along the California coast, often in eucalyptus or Monterey cypress groves. | None. No milkweed plants were observed on the site. There are no large groves of eucalyptus or Monterey cypress on the site. There are no CNDDDB occurrences for an overwintering aggregation within 5 miles. |

Source: California Department of Fish and Wildlife CNDDDB 2024.

*Status:

FT = Federally listed as threatened

FE = Federally listed as endangered

FC = Federal Candidate Species

CE = California State listed as endangered

CFP = California Fully Protected

CT = California State listed as threatened

CSC = California species of special concern

CNDDDB = California Natural Diversity Database

POTENTIALLY JURISDICTIONAL FEATURES

Due to its position on the side of a hill, there are no potential wetlands on the property. There are no streams on the property either.

There is one concrete ditch uphill from the parking lot that intercepts stormwater and directs it to storm drains that would not be affected by the proposed project.

CONCLUSION AND RECOMMENDATIONS

No special-status plant or animal species were detected on the site during the July 24, 2024, field survey and none are expected to occur on the site. No bat roosts, bird rookeries, or other wildlife nurseries are present on the site. There are no protected wetlands or waters on the property.

The site is not a significant wildlife movement corridor. Existing paved roads, residential housing, and the church itself already obstruct wildlife movements to some degree. Deer and other common non-special-status species are able to persist in altered suburban landscapes, and the addition of a narthex would not restrict their movement.

With the implementation of the following measure to protect nesting birds, the project would have a less than significant impact on any biological resources.

To avoid impacting the active nests of birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, initial site disturbance activities, including vegetation removal and grading, should not be conducted during the general bird nesting season (February 1 to August 31) if feasible. If nesting season avoidance is not feasible, a qualified biologist should conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site not more than 5 days prior to the start of vegetation removal, construction, or demolition. In the event that active nests are discovered, a suitable buffer (typically 50 feet for passerines and 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing or construction activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

To avoid the potential for secondary poisoning of coyotes, raccoons, raptors, and other native wildlife species that may move through the site and in the nearby open space, it is recommended that rodenticides should not be used on the site.

REFERENCES

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APPENDIX A

USFWS IPAC LIST