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**Daniel Edelstein, Consulting Biologist & Certified Wildlife Biologist Asc.**

## **Biological Assessment\***

**Submitted To:**

Mr. Robin Smith  
245 Reed Street  
Mill Valley, CA

**From: Daniel Edelstein,**

Consulting Biologist and Certified Wildlife Biologist Asc.

**Project Site:**

245 Reed Street, Mill Valley, CA, APN# 048-101-23

(\* = The contents and format of this report comply with Community Development Agency's handout titled "Preparation Of Biological Site Assessments.")

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## Project Summary And Environmental Setting

Consulting Avian Biologist and Certified Wildlife Biologist Asc. Daniel Edelstein<sup>1</sup> performed a biological site survey at 245 Reed Street Mill Valley, CA (APN# 048-101-23) in the City of Mill Valley (project site) on March 16, 2020. The survey was performed for a proposed project by which the owner (Mr. Robin Smith) is requesting a Tentative Map approval to divide a developed 2.69-acre parcel into two separate parcels consisting of the following: Parcel 1: 38,760 square feet (0.89 acre) and net area of 36,680 square feet (0.84 acre) parcel; and Parcel 2: 86,120 square feet (1.98 acre) and net area of 55,960 square feet (1.28 acre) parcel. The average slope for the proposed Parcel 1 would be 18.3 percent; the average slope for proposed Parcel 2 would be 41.6 percent.

As part of the current project summary, no grading, digging, vegetation removal, or building construction is proposed.

The project site occurs within an environmental setting that includes a mix of one-quarter acre to one-acre or larger residential parcels in the neighborhood. Unlike the adjoining parcels, the project exists adjacent to Marin County Open Space forest that occurs immediately west of the project site. As a result, one primary focus of this report centers on assessing the potential presence of several special-status wildlife species, including the Northern Spotted Owl (*Strix occidentalis caurina*) based on recent surveys have documented it actively nesting within .5 mile of the project site. See below for more assessment related to this special-status species and others that potentially occur upon the project site or nearby it. An ephemeral watercourse that traverse through a portion of the parcel is also assessed below (See the following sections: Appendix 1, Wetland; *Sensitive Habitats*; and *Conclusions and Recommendations*.)

The project site, as well as other parcels nearby it, express a mix of pure hardwood and coniferous forests, as well as places where a combination of both grow together. None of the project site's vegetation habitats is designated rare to special-status by the California Department of Fish and Wildlife, per its publication *Preliminary Descriptions of the Terrestrial Natural Communities of California*.

## Methods And Limitations

The findings for this report are based on the following:

- 1) Review and assessment of the San Rafael, 7.5-minute USGS quadrangle via a query of the California Natural Diversity Database (CNDDDB, August, 2019) and California Native Plant Society (CNPS, 2020).

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<sup>1</sup> Biologist and, in addition, a Certified Wildlife Biologist Associate, via accreditation from The Wildlife Society (Go to: <http://wildlife.org/learn/professional-development-certification/cwbawb-directory/>). See his resume at [warblerwatch.com](http://warblerwatch.com)

- 2) A reconnaissance-level wildlife and botanical survey on March 16, 2020 by a qualified biologist, myself. All habitats were visited and all plant and wildlife observations were recorded (See Appendix 3).
- 3) A review of the *National Wetland Inventory* online via <https://www.fws.gov/wetlands/Data/Mapper.html> and [marinmap.org](http://marinmap.org).

In so doing, I was able to determine whether the project site hosts either perennial, intermittent, or ephemeral water courses.

My findings appear below in a section titled *Sensitive Habitats: Terrestrial and Wetlands* that notes the survey was able to confirm an ephemeral watercourse occurs at least 50 feet or farther from the closest building envelope boundary that is projected to occur in the future on the parcel (See Appendix 4, Photo 6).

- 4) Specific to the project site, a Northern Spotted Owl survey was conducted on the night of March 16, 2020, given the parcel occurs within a half-mile of an annual active nesting activity center for this listed, federally threatened avian species (See Appendix 5). The owl survey was conducted as five-minute point counts at several spots on the site and within 1,000 feet of its western boundary toward the annual, active nesting activity center shown on the figure in Appendix 5.
- 5) An assessment of habitat types and surrounding land uses completed by reviewing recent aerial photographs via *Google Earth*.

Additional information regarding special-status plants, animals, and habitats was compiled through a review of published literature by the California Department of Fish and Game (CDFG, 2020), and U.S. Fish and Wildlife Service (USFWS 2020). Nomenclature for common, widespread plants and animals conforms to Hickman (1993) and the Jepson Herbarium (Jepson Online Interchange, 2020)

Nomenclature for special-status plants and animals conforms to CNPS (CNPS, 2020) and CDFW (2020). In this report, nomenclature for all common and special-status plant species has been updated following the Jepson Online Interchange (Available online at <http://ucjeps.berkeley.edu/interchange.html>).

The Appendix 2 table of special-status target species was prepared using CDFW literature such as:

1) <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=84247&inline> and

2) the CDFW *Special Animals list* via

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406&inline>

All habitats on the project site were visited and all plant and wildlife observations were recorded during the survey.

## Survey Results

No special-status, rare plant or wildlife species were observed during the survey on the project site or nearby it. Discussion related to the potential for occurrence of special-status species on the project site appears below in the next section, *Special-status Plant and Wildlife Species*.

## **Vegetation**

Based on the survey, vegetation at the project site consists of native and non-native planted trees; primarily non-native shrubs; non-native grasses; and non-native forb (wildflower) species. Native trees observed during the survey were primarily represented by Coast Live Oak (*Quercus agrifolia*), California Bay (*Umbellularia californica*), Coastal Redwood (*Sequoia sempervirens*), and Douglas Fir (*Pseudotsuga menziesii*). Non-native tree species were dominated Plum (*Prunus* sp.) and Tasmanian Blue Gum Eucalyptus (*Eucalyptus globulus*). The most dominant shrub on the project site is considered an invasive — French Broom (*Genista monspessulana*) — given its competitive ability to spread as an invasive shrub throughout portions of the project site, thereby preventing native vegetation from establishing themselves in the short- and long-term (e.g., native forbs/wildflowers, shrub, trees).

In an open area in the central portion of the project site, a non-native annual grassland exists. It occurs next to where vehicles park and is periodically subject to disturbance, including mowing.

Given the survey was conducted when the majority of grasses were not subject to their flowering stage, it was not always possible to identify most of them to species. However, based on the site's habitat conditions and the corresponding dominant non-native grass species likely present, the survey yielded species such as bromes (*Bromus* spp.) and festucas (*Festuca* spp.).

Non-native forb (wildflower) species observed on the survey far outnumbered native ones, all of which are common. Non-native forbs on the project site include Bristly Oxtongue (*Helminthoteca echinodes*), Sourgrass (*Oxalis pes-caprae*), English Ivy (*Hedera helix*), and Calla Lilly (*Zantedeschia aethiopica*). Native forbs were primarily represented by common species such as Cutleaf Geranium (*Geranium dissecta*), Spring Vetch (*Vicia sativa*), and Miner's Lettuce (*Claytonia perfoliata*).

Fern species observed during the survey included Common polypody fern (*Polypodium californicum*), Licorice fern, (*Polypodium glycyrrhiza*), and California wood fern, (*Dryopteris argute*).

As a qualifier, note the survey occurred outside the blooming period for some of potential special-status plant species potentially present on the project site and adjacent to it in the Marin Open Space forest habitat adjacent to the Site. However, it is important to understand that even during peak plant species bloom on the Site — from March through June annually — they would not be expected to grow amid the project site and its surrounding, nearby habitat. In fact, no special-status plant species corresponding to Coast Live Oak forest habitat are listed in the CNDDDB. The most local California Native Plant Society query for special-status plant species also does not list any likely candidates as potentially present within the Coast Live Oak habitat that is present adjacent to the Site. As a result, I conclude from this background information and from my survey that the Site and adjacent nearby habitat will not be negatively impacted by the proposed Project.

All of these species are common and none are uncommon or rare. None is designated a rare plant species by the California Native Plant Society.

See Appendix 3 for a list of plant species observed during the survey.

## **Wildlife**

Based on the survey, typical ones for the region and the parcel's habitat conditions were observed. They included California Towhee (*Melospiza crissalis*), Oak Titmouse (*Baeolophus inornatus*), Chestnut-backed Chickadee (*Poecile rufescens*), Anna's Hummingbird (*Calypte anna*), Steller's Jay (*Cyanocitta stelleri*), and American Crow (*Corvus brachyrhynchos*).

Mammal species and signs of them observed on the project site during the survey included mule deer (*Odocoileus hemionus*) and Audubon's cottontail (*Sylvilagus audubonii*). Note that no twig and stick houses of the San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) were seen on the project site during the survey. This rodent is a California species of special concern (CSC) and is discussed in more detail below in the *Special-status Plant and Wildlife Species* section.

Diverse other native and non-native small mammals occur in the project area but not detected during the survey included house cat (*Felis catus*), Western Tree Squirrel (*Sciurus griseus*), Eastern Fox Squirrel (*Sciurus niger*), native and non-native mice and rats (order *Rodentia*), Botta's Pocket Gopher (*Thomomys bottae*), California Vole (*Microtus californicus*), Raccoon (*Procyon lotor*), Virginia Opossum (*Didelphis virginiana*), and Striped Skunk (*Mephitis mephitis*).

Based on the aforementioned habitat description, the project site also has potential to host visits by larger mammal species such as Coyote (*Canis latrans*), Gray Fox (*Urocyon cinereargenteus*), Bobcat (*Lynx rufous*) and Mountain Lion (*Puma concolor*) — though the latter two species on the aforementioned list are typically rare in areas such as the project site. These three larger mammals were not observed during the survey.

Bat species common in the region may also exist as foraging and “nesting” species in the project area, including *Myotis* bat species (*Myotis* spp.), Hoary Bat (*Lasiurus cinereus*), Pallid Bat (*Antrozous pallidus*), and Townsend's Big-eared Bat (*Corynorhinus townsendii*). The latter aforementioned three species appear on the California Natural Diversity Database (CNDDDB) report I accessed on March 5, 2020 (see Appendix 2), so assessment of their potential for occurrence on the site occurs below despite their absence during the survey.

Given the region hosts several common reptile and amphibian species, such as Western Fence Lizard (*Sceloporus occidentalis*), Northern Alligator Lizard (*Elgaria coerulea*), Pacific Gopher Snake (*Pituophis catenifer catenifer*), and California Slender Salamander (*Batrachoseps attenuatus*) — the survey focused on detecting their presence. None was seen during the survey.

As for aquatic species on the site, the only potential area for them to exist would be within or on the upper banks of two ephemeral watercourse present on the project site's eastern boundary. This area did not host standing or flowing water during my

survey. See the *Sensitive Habitats And Wetlands* section below for analysis of this scenario.

Given the absence of water in the ephemeral watercourse during the survey and because it does not host water throughout most of the year, it does not have potential for hosting breeding California Red-legged Frog (CRLF) (*Rana draytonii*), a federally threatened amphibian. This species typically occurs where standing water occurs in streams and ponds during the breeding season and/or year-round. None of these conditions were present at the project site or nearby it during the survey. Thus, it is not surprising that no CRLF or other aquatic species were noted during the survey and it is not subject to further assessment in this report.

Instead, analysis in this report potential for special-status plant and wildlife species on the project site and nearby is based on consulting the CNDDDB's most recently published list (March 5, 2020) for the project site and its vicinity. See Appendix 2.

A list of all plant and wildlife species observed on or near the site during the survey is included in Appendix 3.

Note the survey did not detect the presence of any true, native, special-status plant species that could potentially occur on the Site and nearby it. A list of these special-status plant candidates that were searched for but did not appear during the Survey is attached within Appendix 6. This list was obtained from a tailored database search via:  
<http://www.rareplants.cnps.org/result.html?adv=t&cnps=1A:1B:2A:2B&ccl=MRN&comm=BU&life=Tree:Shrub:Herb>

Common wildlife species noted during the survey on the Site and nearby it included several bird species that appear within Appendix D, below.

Responding to the Letter's point #1 in regard to NSO and other potential special-status species on the Site and adjacent to it, I assess, below, four wildlife species that have potential for occurrence on the Site and adjacent to it based on historical and recent sightings in the area: NSO and the Pallid, Hoary, and Townsend's Big-eared Bat.

### **Wildlife Movement on the Site**

As noted above, developed residential parcels occur on three sides of the project site and host similar vegetation and environmental features. As a result, except for its western border where Marin Open Space forest exists, the project site is bounded on all sides by roads associated with developed neighborhoods that likely prevent free-flowing movement and presence of larger, rare wildlife species onto the project site.

As a result, rare to special-status species such as American Badger, Bobcat and Mountain Lion are likely rare to absent upon the project site. In fact, the presence of either of these large cat family members should be considered unlikely.

As for movement of Mule Deer — a common mammal species on the project site and in the area surrounding the project site — it may only temporarily be less common on the project site if and when construction occurs.

However, after potential future development actions are completed, I would expect the movement of this species to continue through the project site.

## Special-status Plant and Wildlife Species

For the purposes of this report, a special-status species is defined as a species meeting one or more of the following criteria:

- Listed, proposed for listing, or candidate for possible future listing as threatened or endangered under the Federal Endangered Species Act (FESA, 50 CFR §17.12)
- Listed or candidate for listing by the State of California as threatened or endangered under the California Endangered Species Act (CESA, Fish and Game Code §2050 et seq.).
- Listed as rare under the California Native Plant Protection Act (Fish and Game Code §1900 et seq.).
- Listed as a Fully Protected Species (Fish and Game Code §§3511, 4700, 5050, and 5515)
- Listed as a California Species of Special Concern by the California Department of Fish and Wildlife (CDFW)
- Plant species considered by California Native Plant Society (CNPS) and CDFW to be “rare, threatened, or endangered in California” (Ranks 1A, 1B, and 2)

As mentioned above, before I visited the project site I conducted a search of the California Natural Diversity Database (CNDDDB) and CNPS Rare Plant Inventory for special-status plant and wildlife species occurrences within the U.S. Geological Survey San Rafael Quadrangle within which the project region where the site is located. Based on these searches, 12 special-status plants and 20 special-status animals occur in the San Rafael quadrangle.

Based on the recent survey, no special-status plants were observed on the project site. Moreover, for the following reasons, the site offers marginal habitat to no suitable habitat for the 12 special-status plant species identified via a query of the California Native Plant Society’s web site (see Appendix 6, below): 1) the project site has incurred periodic disturbance, perhaps by mowing, removal of trees, and planting of non-native trees (e.g., Tasmanian Blue Gum Eucalyptus introduction on the project site); 2) development surrounding the project site has fragmented high-integrity habitat that is present in larger expanses of undisturbed habitat that often evolves over time to host native plant species, including rare ones; 3) the project site soil conditions and environmental conditions are not suitable for the vast majority of the aforementioned plant species noted among the Fish and Game, CESA, CDFW, CNPS lists.

However, several plant species listed in the CNPS Inventory at California Rare Plant Rank (CRPR) 1B or 2 plants have the potential to occur in the region where larger expanses of land occur, especially where disturbance related to residential and industrial development has not occurred.

These listed native species are highlighted in Appendix 2.

Although the survey did not yield the presence of uncommon to rare bird species on the project site or nearby it, the parcel likely hosts occasional foraging, roosting, and/or nesting Barn Owl (*Tyto alba*) and Cooper's Hawk (*Accipiter cooperii*). Likewise, the Sharp-shinned Hawk (*Accipiter striatus*) is a non-breeding season/"over-wintering" raptor that could potentially roost or forage at the project site (or within) nearby parcels. Allen's Hummingbird is potentially present as a foraging and nesting species on the project site and nearby it, especially in the parcel's lowland area within and ephemeral watercourse that exist on its eastern edge (see Appendix 1, Wetland Map).

In Appendix 2, the potential for occurrence of Cooper's Hawk and Allen's Hummingbird is rated as "moderate," meaning suitable foraging and nesting habitat occurs on the project site and within 100 feet of the project site, with the ephemeral watercourses again noteworthy as the most likely nesting areas for these two avian species. Neither of these species was detected as an active nester on the project site during the survey.

As for special-status wildlife species, the two with the most potential for occurrence are the previously noted San Francisco Dusky-footed Woodrat — a California species of special concern (CSC) — and the Northern Spotted Owl.

Assessment of these two special-status species occurs below.

**San Francisco Dusky-footed Woodrat (SDFW).** Preferring to live in scrub and wooded areas with thick-leaved trees and shrubs, SDFW is a year-round resident in the San Francisco Bay area. The San Francisco dusky-footed woodrat feeds primarily on nuts, fruits, fungi, foliage (including poison oak), and forbs within the scrub and woodland habitats. The species builds large terrestrial stick houses that typically range from 2 to 5 feet in height and may reach 8 feet in basal diameter. These houses are typically placed on the ground or against a log or tree and are often within dense brush, though periodic sightings of houses 20 or more feet above the ground do occur in the project site region. The houses can also be placed in the crotch or cavity of trees.

Based on my survey, no woodrat houses are present on the project site or nearby it. This result is not surprising because only a few small to stunted Coast Live Oak occur on the project site. Those that exist are also few in number and sporadic, thereby discouraging the presence of this rodent species that prefers a more expansive, dense, thick-leaved contiguous growth of large trees within an oak woodland plot.

**Northern Spotted Owl.** The Northern Spotted Owl was listed as federally threatened under the Endangered Species Act in 1990 based on studies that indicated its populations were

declining due to over-harvesting of old growth habitat and lack of regulations to stop the decline. Recent surveys throughout its range, including Marin Co., continue to detect low breeding populations countywide, though numbers remain stable. However, region-wide nesting populations continue to decline annually, with recent estimates of 2.9 percent annual reductions occurring.

Northern spotted owls generally inhabit older forested habitats because they contain the structural characteristics required for nesting, roosting, and foraging. Specifically, northern spotted owls require a multi-layered, multi-species canopy with moderate to high canopy closure. The stands typically contain a high incidence of trees with large cavities and other types of deformities; large snags (standing dead trees); an abundance of large, dead wood on the ground; and open space within and below the upper canopy for spotted owls to fly. Recent landscape-level analyses suggest that in some parts of the subspecies' range a mosaic of older forest habitat interspersed with other vegetation types may benefit northern spotted owls more than large, homogeneous expanses of older forests. In Coastal Redwood forests along the coast range of California, northern spotted owls may be found in younger forest stands that contain structural characteristics of older forests.

An ongoing, annual, active Northern Spotted Owl breeding within .5 mile of the project, based on the latest 2019 breeding bird data collected by several biologists monitoring this species during the most recent breeding season. See the attached figure in Appendix 5 that denotes a 2019 breeding site approximately .25 mile from the project site's western border based on surveys conducted by Point Blue Conservation Science.

Based on my survey results that did not yield the presence of the special-status avian species on the project site, I do not believe any current development on or near the site will cause negative impacts upon Northern Spotted Owl.

Three bat species — Pallid, Hoary, and Townsend's Big-eared — with potential for occurrence on the project site and nearby it are designated California Species of Special Concern. This status designates them of less concern for their reduced population numbers than more rare federally endangered and federally threatened species such as the latter status ascribed to the Northern Spotted Owl. Despite their non-special-status species designation, these three bat species are assessed below because the project site's habitat and nearby structures could potentially attract roosting and maternal bat breeding colonies.

**Pallid Bat.** As a California Species of Special Concern (CSC), the Pallid Bat occurs across much of western North America from the Okanagan Valley of south-central British Columbia to central Mexico. On site habitat and Marin Open Space forest adjacent to the project site could potentially offer foraging habitat and suitable maternity/birthing roosts. However, during my survey, I did not observe any flying bat species, note any natural or human-made cavities that would host them on the Site or nearby it, and I did not observe any guano/feces' evidence of bats.

The closest documented sighting of this CSC was in Ross, approximately 4.8 miles north of the Site, per an August 23, 1961 sighting in the CNDDDB query I conducted.

As a result, I believe there is a low to moderate potential for occurrence of this species on the Site and nearby it and I conclude the Project will not create any significant impacts upon it.

**Townsend's Big-eared Bat.** This CSSC mammal occurs from southern British Columbia southward through most of the western U.S. to central Mexico. This species lives and forages in many habitats, such as agricultural areas, riparian communities, coastal habitat types, oak woodland, conifer forest, desert scrub, and native prairies. Its populations are believed to be limited because this species depends on finding suitable roosting sites in areas undisturbed by human-made structures and development.

The closest documented sighting of this CSSC was on May 20, 1999 near Muir Woods National Monument in southern Marin County, approximately 2.13 miles west-northwest of the project site, according to the CNDDDB query I conducted.

Consequently, I believe there is a low potential for occurrence of this species on the Site and nearby it and I conclude the Project will not create any significant impacts upon it.

**Hoary Bat.** Hoary bats are the most widespread in America, occurring everywhere in the country except Alaska and the southern tip of Florida. The Hawaiian subspecies is endangered and is the only bat to occur on the islands. Most of the hoary bats in Marin County migrate to South America for the winter, although some have been observed to stay and hibernate. These bats roost in the foliage of trees in deciduous forest, coniferous forest, desert habitat, and, occasionally, within canyons.

The closest documented sighting of this CSC was on November 1, 1948 around Phoenix Lake near Ross, approximately 4.67 miles north of the project site, based on the CNDDDB query I conducted.

Given the above information, I believe there is a low potential for occurrence of this species on the Site and nearby it and I conclude the Project will not create any significant impacts upon it.

In total, the presence old, large trees on the site and others in adjoining, nearby habitat could potentially offer roosting and maternal spaces for bats to create maternal colonies.

## Sensitive Habitats (Terrestrial And Wetlands)

Special-status natural communities are those that are considered rare in the region, support special-status plant or wildlife species, or receive regulatory protection (i.e., §404 and 401 of the Clean Water Act, §1600 et seq. of the CDFW Code, and/or the Porter- Cologne Act). In addition, the CNDDDB has designated a number of plant communities as rare.

As noted above, no sensitive, special-status terrestrial habitats are present on the project site or nearby it.

An ephemeral watercourses traverse through the site's eastern area (see Appendix 1, Wetland Map and Appendix 4, photos 2-5). This watercourse is judged as ephemeral because it typically flows with water only after periodic major rain events.

During the survey, no flowing water was observed despite the occurrence of two rain events on March 14 and 15, 2020.

Equally important, no riparian vegetation species are associated with the watercourse. Its bed and banks also do not host soil and growing conditions that favor forb, shrub, and tree species that persist where moist and water-inundation conditions dominate.

More specific, the watercourse does not qualify as riparian habitat because its banks consist of rock and cobble intended to guide the flow of runoff water. As a result, the absence of riparian vegetation along the ephemeral watercourse eliminates it as wetland, based on criteria established by U.S. Army Corps of Engineers. Likewise, the above description of the watercourse also does not qualify as a wetland according to the Marin Countywide Plan Policy BIO-3.

Nonetheless, despite the absence of wetland habitat on the site, it is advised that any future proposed development at the site should require discretionary review by the County's *Community Development Agency*.

### **Wetland Setback Requirements**

Given the above information in the previous section, I do not believe a future building footprint should be required to maintain a 50-foot or greater development setback from the site's ephemeral watercourse, per the Marin Countywide Plan Policy BIO-3.

### **Marin County Tree Ordinance**

Protected trees are defined in the Marin County tree ordinance via the following link:  
[https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/factsheets/treeremoval\\_fs.pdf](https://www.marincounty.org/-/media/files/departments/cd/planning/currentplanning/publications/factsheets/treeremoval_fs.pdf)

Given the information present at the above link, the project site hosts several protected tree individuals, including Coast Live Oak. As a result, if and when future development proposals are submitted for the parcel, a tree removal permit will be need to be obtained by the parcel's owners based on the directions noted in the "Permit Process" section in the aforementioned link.

### **Habitat Conservation Plan/ Natural Community Conservation Plan**

No habitat conservation plan (HCP) or natural community conservation plan (NCCP) applies to the project site. Therefore, the proposed project would not conflict with an HCP or NCCP.

## Conclusions And Recommendations

Based on the above assessment, the project site and nearby it does not currently host rare, special-status plant and wildlife species. As a result, no negative impacts are expected upon either common or special-status plant and wildlife species as part of the owner's desire to split the current parcel.

Likewise, given no construction is involved with the owner's current goal to split the parcel, no impacts upon the project site's wetland resources will occur.

In the future, if and when the split parcel results in a sale whereby a new, additional owner initiates development that includes construction, then the new owner would be expected to comply with local, state, and federal regulatory measures that protect plant and wildlife species, as well as wetland resources on the project site. At this time, it would be appropriate for an applicant to submit an updated Biological Assessment that meets the guidelines of the County subject to discretionary environmental review.

In so doing, the applicant would be required to submit a construction plan that would ensure its project would result in less than significant impacts upon special-status plant and wildlife species. In addition, wetland resources on the site would need to be accommodated with the placement of any proposed building footprint based on the County's minimum setback limits, per the Marin Countywide Plan Policy BIO-3 discussed above.

If and when future development is proposed for the project site, the applicant would be required to comply with regulatory measures corresponding to all special-status plant and wildlife species, per the criteria present on page 7 (above) within the section titled *Special-status Plant and Wildlife Species*. For example, among the criteria noted in these regulatory elements, a future project would require plant and wildlife surveys for common and special-status species for a Biological Assessment, including assessment of the current nearby Northern Spotted Owl activity center that continues to annually serve as active nest site.

In total, the design submitted for a future construction project should incorporate actions that ensure that less than significant impacts would incur upon any special-status plant and wildlife species discovered during surveys conducted for a future, new Biological Assessment.

In addition, a future construction project on the site may require an applicant to address how its project would comply with standards related to minimizing construction noise so that associated construction equipment would not disturb roosting and nesting bird and bat species, thereby resulting in negative impacts. Likewise, limitations on scheduling of construction could apply based on, for example, active nesting patterns of songbirds and raptors (e.g. Northern Spotted Owl) on the site or nearby it, based on the results of a future Biological Assessment.

## References

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National Park Service, *Annual Northern Spotted Owl Nesting Activity Centers*, Dave Press (Senior Wildlife Ecologist, Point Reyes Station, CA) (see Appendix 5)

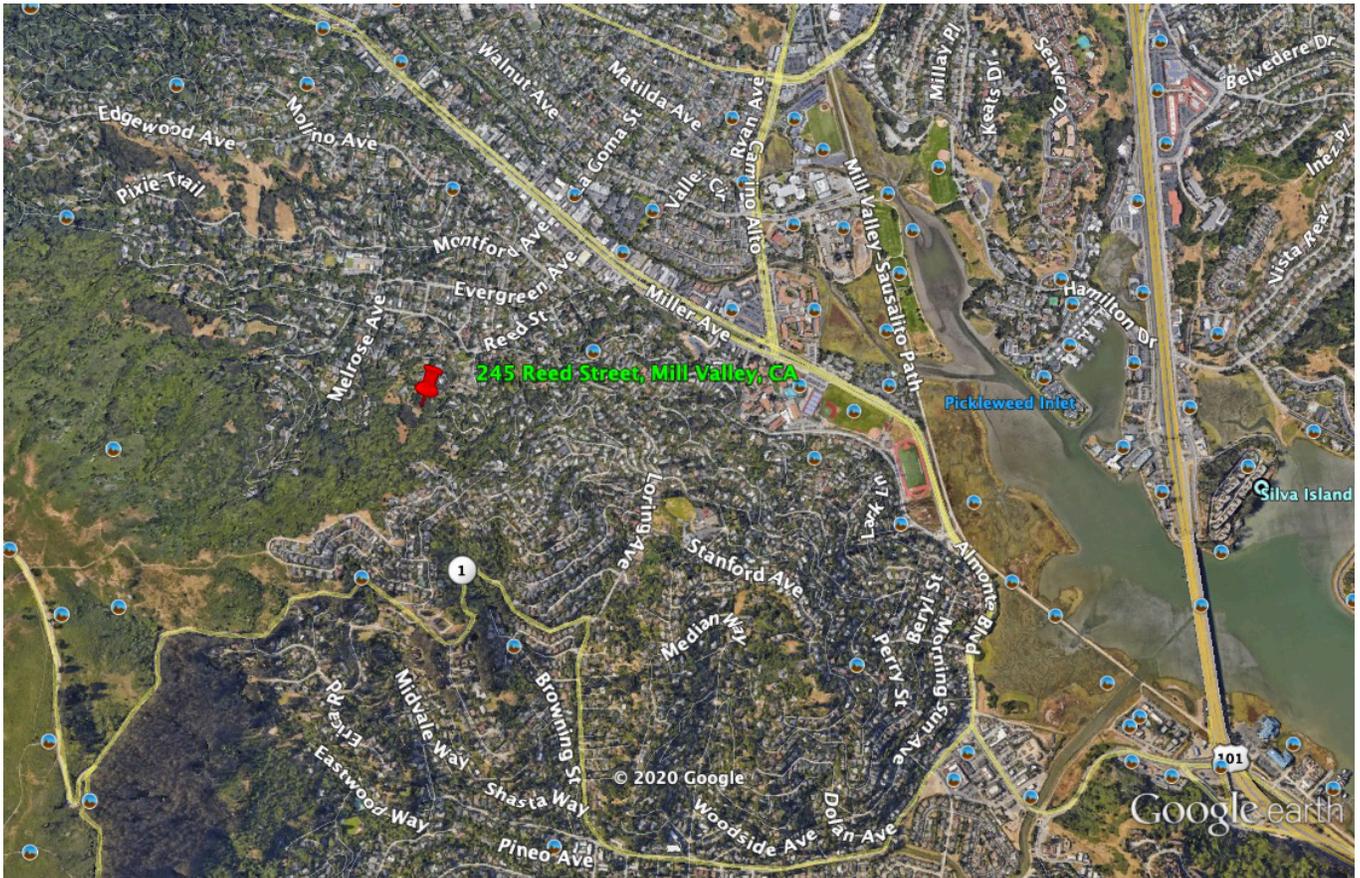
Point Blue Conservation Science, Northern Spotted Owls, See: [https://www.pointblue.org/science\\_blog/marin-county-spotted-owls/](https://www.pointblue.org/science_blog/marin-county-spotted-owls/)

San Francisco Dusky-footed Wood Rat,  
<https://esrp.csustan.edu/projects/lsm2/pdf/lsm030.pdf>

U.S. Fish and Wildlife (USFWS), 2020. National Wetlands Inventory: Wetlands Mapper. Available at: <http://www.fws.gov/wetlands/Data/Mapper.html>, Accessed March 5, 2020.

## **Appendix 1**

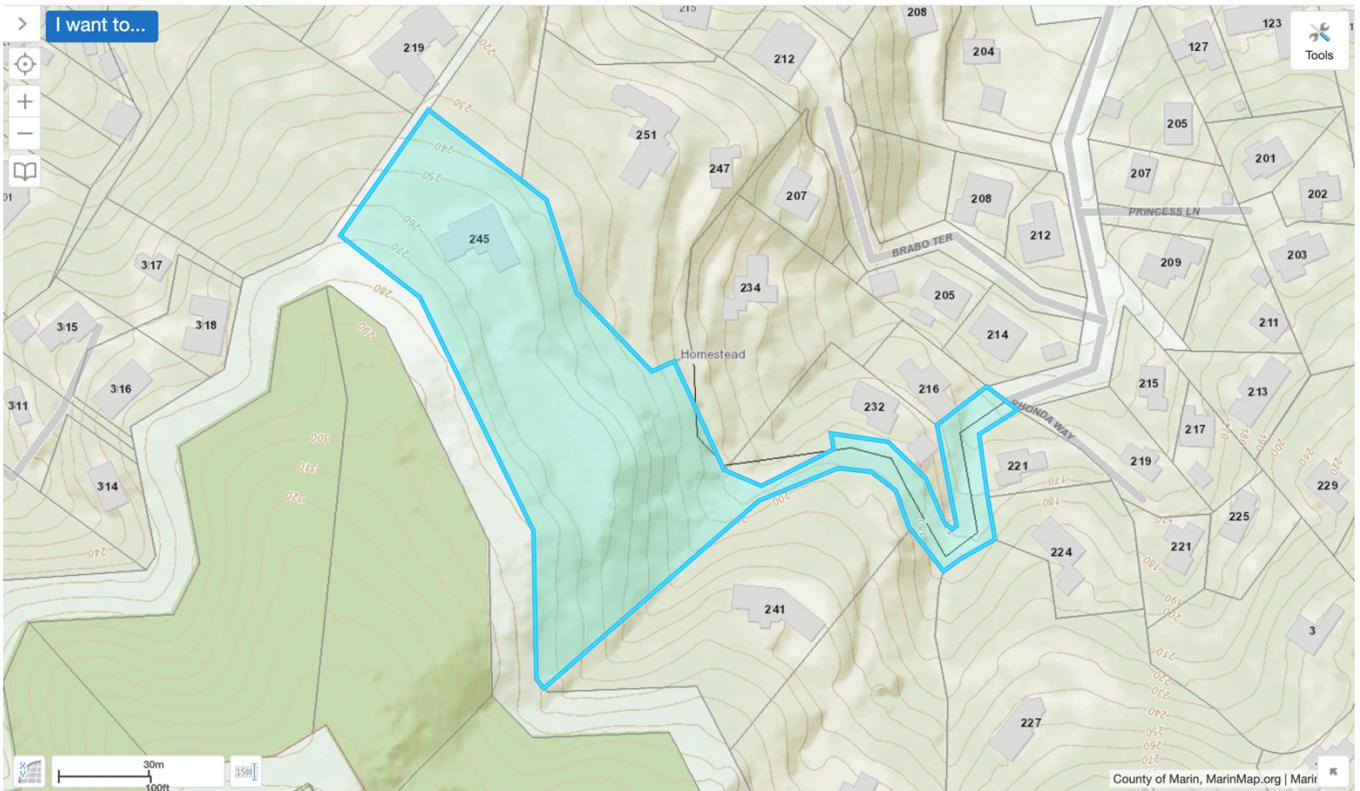
### **SITE LOCATION MAPS**



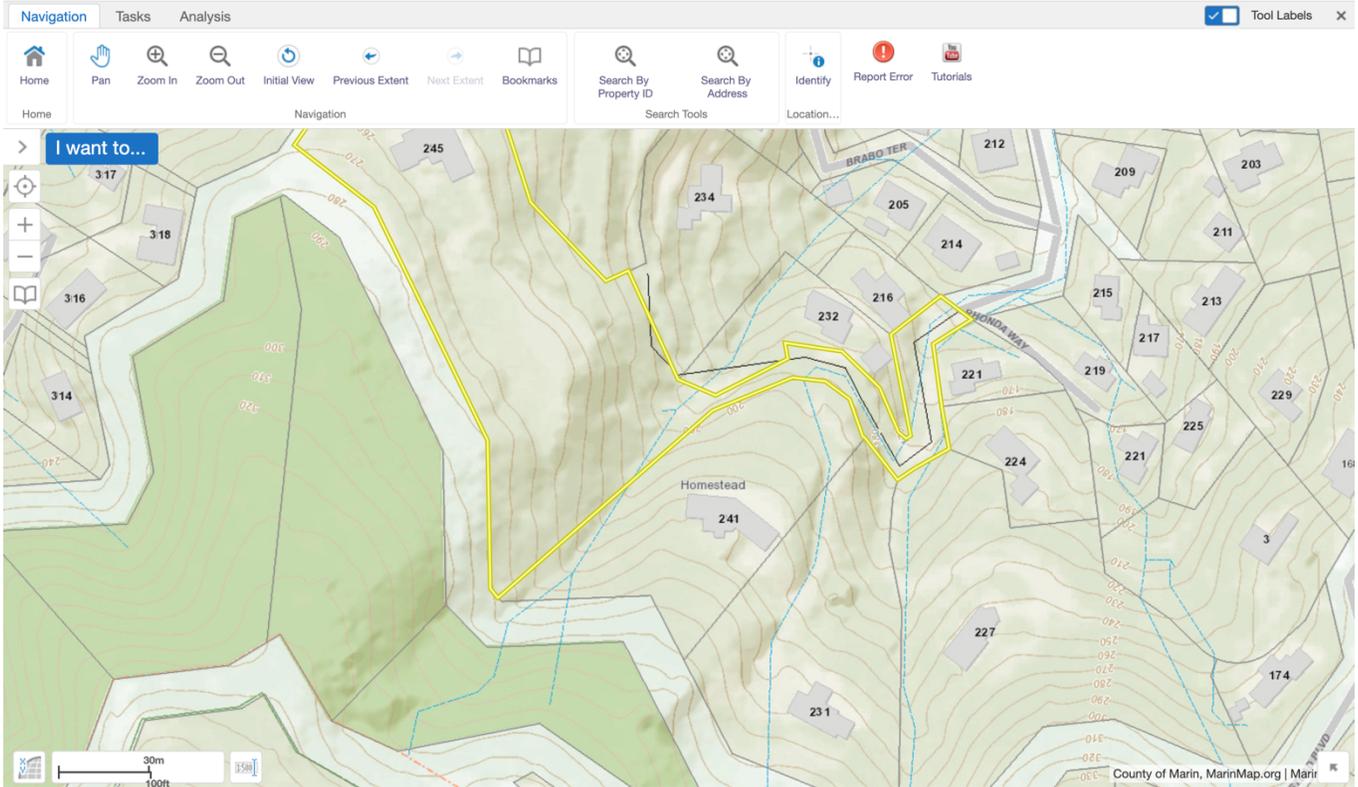
**Area Map** – The project site in relation to its location west of central Mill Valley is denoted by the red tack, above, as APN# 048-101-23.



**Site Map** – The project site at 245 Reed Street, Mill Valley, CA (Site) APN# 048-101-23 is denoted by the yellow tack, above.



**APN Parcel Map** – The project site at 245 Reed St., Mill Valley, CA is present above (light blue area) as parcel #245 and is APN# 048-101-23.



**Wetland Map** – The project site at 245 Reed St., Mill Valley, CA is present above (yellow outline area) and two un-named ephemeral watercourses are denoted by the checked blue lines on the eastern edge of the parcel. These watercourses typically host water flow only after moderate to large rain events.

## **Appendix 2**

### **LIST OF SPECIAL-STATUS WILDLIFE SPECIES THAT HAVE A MODERATE TO HIGH POTENTIAL FOR OCCURRENCE ON THE PROJECT SITE OR NEARBY IT\***

(\* = based on a CNDDDB query conducted for  
the project site's region on March 5, 2020)

## Appendix 2: Special-Status Wildlife Species<sup>2</sup> — Potential For Occurrence

List of Wildlife Species With Potential For Occurrence In Relation To A Survey Conducted On March 16 By Biologist Biologist Daniel Edelstein<sup>3,4</sup> At 245 Reed St., Mill Valley, CA

Species	Status	Habitat	Potential For Occurrence
Cooper's hawk <i>Accipiter cooperi</i>	-/WL	Mature forests, open woodland, riparian forest. Nests in coast live oak and other forest habitats.	<b>Moderate:</b> Suitable foraging and nesting conditions occur within the lowland area that occurs approximately 25 feet east and north-northeast of the project site.
Sharp-shinned hawk <i>Accipiter striatus</i>	-/WL	Mixed woodlands and forests. Nests in conifers or deciduous trees in dense woodlands or mountain forests.	<b>Not Expected:</b> Suitable nesting habitat is present on the project site, but no recent nesting sightings for this species occurs in the region.
Allen's hummingbird <i>Selasphorus sasin</i>	FCC/-	Semi-open habitats including open oak woods, streamside groves, and parks. Nests in trees and shrubs.	<b>Moderate:</b> Suitable dense forest habitat is present on the site.
<b>BATS</b>			
Hoary Bat <i>Lasiurus cinereus</i> )	-/-/M (WBWG)	Dense foliage and large trees on site offer it potential suitable foraging and breeding habitat.	<b>Low:</b> Suitable dense forest habitat is present on the site.
Pallid Bat ( <i>Antrozous pallidus</i> )	-/-/M (WBWG)	Tree crevices on site and nearby it offer potential suitable foraging and breeding habitat.	<b>Low:</b> Suitable dense forest habitat is present on the site.
Townsend's Big-eared Bat ( <i>Corynorhinus townsendii</i> )	-/-/M (WBWG)	Requires human-made structures for potential suitable foraging and breeding habitat.	<b>Low:</b> Structures are present on the site.
<b>MAMMAL</b>			
San Francisco dusky-footed woodrat ( <i>Neotoma fuscipes annectens</i> )	-/-/CSC	Trees and dense foliage on site and nearby it offer places to build stick middens (nests) on the ground and in trees.	<b>Low to moderate:</b> Marginal dense forest habitat is present on the project site, but nearby habitat contains more dense, larger trees where this species could build middens (nests).

<sup>2</sup> *Special Animals List*, CDFW, August, 2019, Sacramento, CA

<sup>3</sup> Biologist and, in addition, a Certified Wildlife Biologist Associate, via accreditation from The Wildlife Society (Go to: <http://wildlife.org/learn/professional-development-certification/cwbawb-directory/>)

<sup>4</sup> To see his resume, go to: [warblerwatch.com](http://warblerwatch.com)

**Status Key:** SE = State Endangered, FCC = Federal Bird of Conservation Concern, CSC = California Species of Concern, CFP = Fully protected, SA = Included on CDFW Special Animals List, WL = Watch List, WBWG = Western Bat Working Group (M = Moderate, above rating in "Bats" area)

## **APPENDIX 3**

### **PLANT AND WILDLIFE SPECIES DETECTED DURING THE SURVEY ON OR NEAR THE PROJECT SITE\***

## List of Species Observed on or Near the Project Site

Plant and Wildlife Species Observed During A March 16, 2020 Survey Conducted By Biologist Daniel Edelstein at the Project Site

### PLANT SPECIES:

Forget-me-not, *Myosotis latifolia*  
Himalayan blackberry, *Rubus discolor*  
Thimbleberry, *Rubus parviflorus*  
Coast Redwood, *Sequoia sempervirens*  
Douglas fir, *Pseudotsuga menziesii*  
English ivy, *Hedera helix*  
Wood sorrel, *Oxalis* sp.  
Calla Lily, *Zantedeschia aethiopica*  
Bristly oxtongue, *Helminthotheca echioides*\*  
Clover, *Trifolium* sp.  
Coyotebrush, *Baccharis pilularis*  
Cutleaf geranium, *Geranium dissectum*\*  
English plantain, *Plantago lanceolata*\*  
French broom, *Genista monspessulana*\*  
Scarlet pimpernel, *Anagallis arvensis*\*  
Sourgrass, *Oxalis pes-caprae*\*  
Vetch, *Vicia villosa*\*  
Coast Live Oak, *Quercus agrifolia*  
California Bay, *Umbellularia californica*  
Plum, *Prunus* sp.  
Tasmanian blue gum eucalyptus, *Eucalyptus globulus*  
Poison oak, *Toxicodendron diversilobum*  
Common polypody fern, *Polypodium californicum*  
Licorice fern, *Polypodium glycyrrhiza*  
California wood fern, *Dryopteris arguta*

## **WILDLIFE SPECIES:**

### **Birds**

Anna's Hummingbird, *Calypte anna*  
Steller's Jay, *Cyanocitta stelleri*  
California Scrub-jay, *Aphelocoma californica*  
American Crow, *Corvus brachyrhynchos*  
Chestnut-backed Chickadee, *Poecile rufescens*  
American Robin, *Turdus migratorius*  
Yellow-rumped Warbler, *Setophaga coronate*  
California Towhee, *Melospiza crissalis*

### **Mammals**

Audubon's cottontail, *Sylvilagus audubonii*  
Mule deer, *Odocoileus hemionus*

## **APPENDIX 4**

### **PHOTOS OF THE SITE**



**Photo 1** – Looking south, the address sign identifies the entrance to the project site at 245 Reed Street, Mill Valley, CA, APN# 048-101-23

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**Photo 2** – Looking south on March 16, 2020 at the main ephemeral watercourse on the project site at 245 Reed Street, Mill Valley, CA, APN# 048-101-23. Notice that it does not host water flow despite rain events on March 14 and 15, 2020.



**Photo 3** – Looking south, a more distant view of the site’s main ephemeral watercourse than Photo 2 is shown at 245 Reed Street, Mill Valley, CA, APN# 048-101-23. No waterflow was present on March 16, 2020, despite recent rain events (see Photo 4, below). No typical, classic riparian vegetation species are present, per the above discussion. In addition, natural banks are absent, replaced by rip-rap rocks. As a result, the watercourse does not qualify as wetland habitat.



**Photo 4** – Looking south, the main ephemeral watercourse on the site on March 16, 2020 during the survey hosted minimal to no waterflow despite recent rain events on March 14 and March 15, 2020 at 245 Reed Street, Mill Valley, CA, APN# 048-101-23.



**Photo 5** – Looking north while standing at the entrance driveway on the ample engineered drainage infrastructure is present to assist evacuation of waterflow on the site at 245 Reed Street, Mill Valley, CA, APN# 048-101-23.



**Photo 6** – Looking southeast, the proposed parcel to be split from the current one is shown with orange flags/stakes marking a potential building envelope at 245 Reed Street, Mill Valley, CA, APN# 048-101-23.



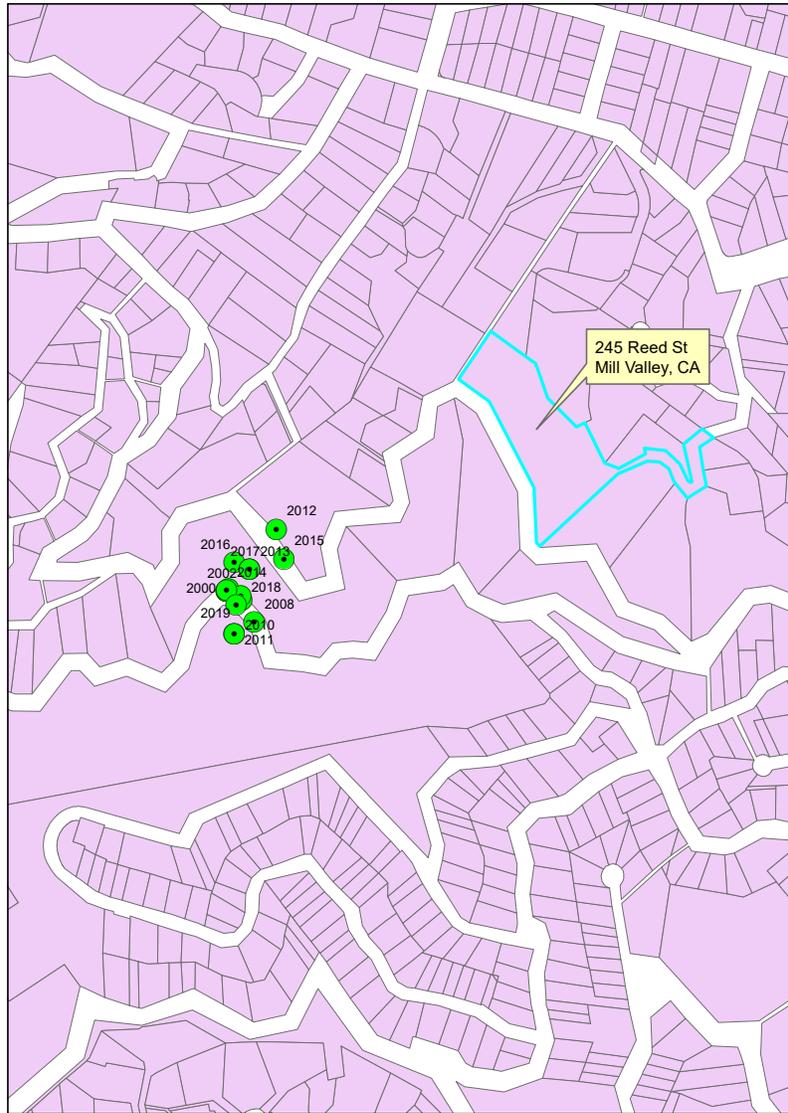
**Photo 7** – Looking southeast at 245 Reed Street, Mill Valley, CA, APN# 048-101-23, an outer extension boundary of where a building envelope could occur in the future is marked with flagging and the stake. This marked location is the closest one possible to an ephemeral watercourse present southeast of this location. Note this location is at least 50 feet from where the watercourse occurs.



**Photo 8** – Looking northeast at 245 Reed Street, Mill Valley, CA, APN# 048-101-23, a Coast Live Oak and California Bay vegetation is present in the background as the most common forest tree species on the parcel.

# APPENDIX 5

## ANNUAL NORTHERN SPOTTED OWL NESTING ACTIVITY CENTERS NEAR THE PROJECT SITE



0 50 100 200 300 400 Meters ● NSO Activity Center

Data Source: National Park Service, Inventory and Monitoring Program, January 15, 2020.

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# APPENDIX 6

3/9/2020

CNPS Inventory Results



\*The database used to provide updates to the Online Inventory is under construction. View updates and changes made since May 2019 here.

## Plant List

12 matches found. *Click on scientific name for details*

Search Criteria
California Rare Plant Rank is one of [1A, 1B, 2A, 2B], Found in Marin County, Community = Broadleaved upland forest, Lifeform is one of [Tree, Shrub, Herb]

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Rank	Global Rank
<a href="#">Amorpha californica var. napensis</a>	Napa false indigo	Fabaceae	perennial deciduous shrub	Apr-Jul	1B.2	S2	G4T2
<a href="#">Arctostaphylos virgata</a>	Marin manzanita	Ericaceae	perennial evergreen shrub	Jan-Mar	1B.2	S2	G2
<a href="#">Cirsium andrewsii</a>	Franciscan thistle	Asteraceae	perennial herb	Mar-Jul	1B.2	S3	G3
<a href="#">Cirsium hydrophilum var. vaseyi</a>	Mt. Tamalpais thistle	Asteraceae	perennial herb	May-Aug	1B.2	S1	G2T1
<a href="#">Delphinium bakeri</a>	Baker's larkspur	Ranunculaceae	perennial herb	Mar-May	1B.1	S1	G1
<a href="#">Dirca occidentalis</a>	western leatherwood	Thymelaeaceae	perennial deciduous shrub	Jan-Mar(Apr)	1B.2	S2	G2
<a href="#">Helianthella castanea</a>	Diablo helianthella	Asteraceae	perennial herb	Mar-Jun	1B.2	S2	G2
<a href="#">Horkelia tenuiloba</a>	thin-lobed horkelia	Rosaceae	perennial herb	May-Jul(Aug)	1B.2	S2	G2
<a href="#">Lilium maritimum</a>	coast lily	Liliaceae	perennial bulbiferous herb	May-Aug	1B.1	S2	G2
<a href="#">Pleuropogon hooverianus</a>	North Coast semaphore grass	Poaceae	perennial rhizomatous herb	Apr-Jun	1B.1	S2	G2
<a href="#">Sidalcea malviflora ssp. purpurea</a>	purple-stemmed checkerbloom	Malvaceae	perennial rhizomatous herb	May-Jun	1B.2	S1	G5T1
<a href="#">Stebbinsoseris decipiens</a>	Santa Cruz microseris	Asteraceae	annual herb	Apr-May	1B.2	S2	G2

Suggested Citation
California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <a href="http://www.rareplants.cnps.org">http://www.rareplants.cnps.org</a> [accessed 09 March 2020].

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[The Callflora Database](#)

[www.rareplants.cnps.org/result.html?adv=t&cnps=1A:1B:2A:2B&ccl=MRN&comm=BUFRs&life=Tree:Shrub:Herb](http://www.rareplants.cnps.org/result.html?adv=t&cnps=1A:1B:2A:2B&ccl=MRN&comm=BUFRs&life=Tree:Shrub:Herb)

1/2