

State of California  
Department of Fish and Wildlife



## Memorandum

Date: July 21, 2020

To: Ms. Wahida Rashid  
California Department of Transportation, District 4  
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Governor's Office of Planning & Research

Jul 21 2020

STATE CLEARINGHOUSE

DocuSigned by:

*Gregg Erickson*

From: Mr. Gregg Erickson, Regional Manager

California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: CCTA I-680 Northbound Express Lane Completion Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2020060297, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Contra Costa Transportation Authority (CCTA) Interstate 680 (I-680) Express Lane Completion Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup> Pursuant to our jurisdiction, CDFW is submitting comments on the NOP as a means to inform the California Department of Transportation (Caltrans) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

### PROJECT LOCATION AND DESCRIPTION SUMMARY

Caltrans proposes to convert existing High Occupancy Vehicle (HOV) Lanes and construct new Express Lanes on Interstate 680 (I-680). The HOV to Express Lane conversion is proposed to occur from the Benicia-Martinez Bridge Toll Plaza to the State Route 242 (SR-242) interchange with I-680 and the new Express Lane construction is proposed to occur from the SR-242, I-680 interchange to Livorna Road underpass in the unincorporated Community of Alamo in Contra Costa County.

### CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act, the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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## **LAKE AND STREAMBED ALTERATION AGREEMENT**

Please be advised that the proposed Project may be subject to LSA Notification for impacts to drainage systems that connect to tributaries of main stem creeks and tributaries that occur within the Project limits. CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

The Project has the potential to impact bed, bank, channel and riparian habitat associated with the following drainages, floodplains, tributaries and mainstems of Walnut Creek, Grayson Creek and Las Trampas Creek.

## **CALIFORNIA ENDANGERED SPECIES ACT**

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, take is defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill.” Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

The Project has the potential to result in take of the following species listed under CESA; California tiger salamander (*Ambystoma californiense*), State Threatened and Alameda whipsnake (*Masticophis lateralis euryxanthus*), State Threatened.

## **COMMENTS AND RECOMMENDATIONS**

CDFW acting as a Responsible Agency, has discretionary approval under CESA through issuance of an ITP and an LSA Agreement as well as other provisions of the Fish and Game Code that afford protection to the State’s fish and wildlife trust resources. CDFW offers the following comments and recommendations below to assist Caltrans in identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **Comment 1 – Fish and Wildlife Resources**

CDFW recommends that a full list or table is included in the Biological Resources Section of the draft EIR that notes species common name, scientific name, State and federal listing status (as applicable), habitat type preference and determination on presence for all special-status species with the potential to occur within the Project.

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CDFW offers the following list of species that have the potential to occur within the Project limits including but not limited to; California tiger salamander (State Threatened), Alameda whipsnake (State Threatened), California red-legged frog (State Species of Special Concern (SSC), western burrowing owl (SSC), pallid bat (SSC), Townsend's big eared bat (SSC), Congdon's tarplant (SSC), Contra Costa goldfields (Rare Plant 1B) and Big Tarplant (Rare Plant 1B). A full and complete of fish and wildlife resources should be developed using wildlife databases such as the California Natural Diversity Database (CNDDDB), scientific studies or species inventories from nearby locations, focused survey results or findings associated with the current Project and focused survey results or findings from previous projects within the vicinity of the currently proposed Project.

### **Comment 2 – Fish Passage**

Senate Bill 857 (SB-857), which amended Fish and Game Code 5901 and added section 156 to the Streets and Highways Code states in section 156.3, "For any project using state or federal transportation funds programmed after January 1, 2006, [Caltrans] shall insure that, if the project affects a stream crossing on a stream where anadromous fish are, or historically were, found, an assessment of potential barriers to fish passage is done prior to commencing project design. [Caltrans] shall submit the assessment to the [CDFW] and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with the [CDFW]."

The following fish passage assessment database identification numbers exist within the currently proposed Project limits and represent potential fish passage barriers that should be identified, evaluated and discussed in the subsequent draft EIR according to the requirements of SB-857;

PAD ID# 761078, I-680; PM 24.0, Unassessed  
PAD ID# 761077, I-680; PM 22.7, Unassessed  
PAD ID# 761076, I-680; PM 21.8, Unassessed  
PAD ID# 761074, I-680; PM 20.9, Unassessed  
PAD ID# 761074, I-680; PM 19.2, Unassessed  
PAD ID# 761073, I-680; PM 18.7, Unassessed  
PAD ID# 761072, I-680; PM 18.3, Unassessed  
PAD ID# 761071, I-680; PM 16.1, Unassessed  
PAD ID# 761070, I-680; PM 13.7, Unassessed  
PAD ID# 761069, I-680; PM 13.5, Unassessed  
PAD ID# 761068, I-680; PM 12.6, Unassessed  
PAD ID# 761067; I-680; PM 11.3, Unassessed

CDFW recommends the following avoidance and minimization measures is included in the subsequent draft EIR:

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### **Recommended Mitigation Measure 1: BIO-FISH Passage:**

For any project using state or federal transportation funds programmed after January 1, 2006, Caltrans shall insure that, if the Project affects a stream crossing on a stream where anadromous fish are, or historically were, found, an assessment of potential barriers to fish passage is done prior to commencing Project design. Caltrans shall submit the assessment to the CDFW and add it to the CALFISH database. If any structural barrier to passage exists, remediation of the problem shall be designed into the Project by the implementing agency. New projects shall be constructed so that they do not present a barrier to fish passage. When barriers to fish passage are being addressed, plans and projects shall be developed in consultation with CDFW.

### **COMMENT 3 – BATS**

CDFW has determined that various locations throughout the Project limits have the potential to contain bat species, many of which are state species of special concern. CDFW made this determination by referencing CNDDDB and by remote habitat analysis, as well as, the widely accepted concept that roosting bats have a strong preference to inhabit voids and crevices in culverts, bridges and other anthropogenic structures. To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures and that these measures be made conditions of approval for the Project.

#### **Recommended Mitigation Measure 1: Bat Habitat Assessment**

A qualified biologist should conduct a habitat assessment for bats at work sites seven (7) days prior to the start of Project activities and every 14 days during Project activities. The habitat assessment shall include a visual inspection of features within 200 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.

#### **Recommended Mitigation Measure 2: Bat Habitat Monitoring**

If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.

#### **Recommended Mitigation Measure 3: Bat Project Avoidance**

If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified biologist develops a bat avoidance plan to be implement at the Project site. If voids, crevices or other anthropogenic roosting habitat is removed, replacement habitat in the form of bat boxes or artificial roosting structures should be installed in consultation with CDFW to achieve the appropriate design and placement. Once the plan is implemented, Project activities may recommence.

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## **CONCLUSION**

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California's fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

Questions regarding this memorandum or further coordination should be directed to Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 428-2093 or [Robert.Stanley@wildlife.ca.gov](mailto:Robert.Stanley@wildlife.ca.gov); or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577 or [Craig.Weightman@wildlife.ca.gov](mailto:Craig.Weightman@wildlife.ca.gov).

cc: State Clearinghouse #2020060297