



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

August 31 2021

STATE CLEARINGHOUSE

August 30, 2021

Mr. Francisco Avila
Contra Costa County
30 Muir Road
Martinez, CA 94553
Francisco.Avila@dcd.cccounty.us

Subject: Maggiore & Ghilotti Inc. Contractor's Yard, North Richmond Project,
Mitigated Negative Declaration, SCH No. 2021080095, Contra Costa County

Dear Mr. Avila:

The California Department of Fish and Wildlife (CDFW) received Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from Contra Costa County (County) for Maggiore & Ghilotti Inc. Contractor's Yard, North Richmond Project (Project) pursuant to the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND and its Initial Study (IS) to inform the County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 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 a California Endangered Species Act (CESA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Maggiore and Ghilotti Inc. 555 Du Bois St. San Rafael, CA 94901

Objective: The Project proponent is requesting approval of a Development Plan for the purposes of constructing and operating a new contractor's yard. The Project includes: 1) raising the site's elevation between 8 and 12 feet, 2) grading of 155,000 cubic yards of soil (cut of 14,000 cubic yards and fill of 141,600 cubic yards which will be phased), which includes the filling of ephemeral drainages and wetlands, 3) access improvements along Radiant Avenue – widening where necessary, 4) drainage improvements and 5) exception requests to Section 914-2.004 (Off-site collect and convey requirements) and Section 914-12.010 (Detention Basins Maintenance) of the

Mr. Francisco Avila
Contra Costa County
August 30, 2021
Page 2 of 5

code to allow for private maintenance of the detention infrastructure. The subject property will also be annexed into the Community Facilities District (CFD) 2010-1 formed for county wide street light financing, CFD 2006-1 (North Richmond Area Maintenance Services) for future maintenance of area wide medians and landscaping, and 2007-1 (Stormwater Management Facilities). The filling of wetlands and ephemeral drainages will be mitigated for with the creation of new in-kind drainage features on-site at the east extent of the Project site.

Location: The planned Project is located at 2800 Radiant Avenue, Richmond, California, within Contra Costa County. The Project is planned to occur on Accessor's Parcel Numbers 408-082-030 and 408-082-001. The approximate center coordinate for the Project is 37.971699, -122.360142

Timeframe: Cut and fill operations are listed to be completed over five years. An estimate on total construction completion has not been provided.

ENVIRONMENTAL SETTING.

The Project site comprises of an existing undeveloped lot consisting of non-native and native annual and perennial grasses, forbs, and limited shrubs with one standing tree. The Project site has had historic disturbance occur, yet most recently includes annual mowing. Seasonal wetlands and two ephemeral drainages occur onsite and support wetland obligate and facultative vegetation. The as-is site conditions provide potential foraging habitat for raptors, and potential foraging and nesting habitat for songbirds and other wildlife. The Project site is immediately surrounded by industrial use buildings in all directions with the exception of an undeveloped lot to the east, and a mitigation wetland area to the north northeast. Within a half mile to the north, northwest, and west are public and privately owned areas comprising of designated open space, annual grasslands, and northern coastal saltmarsh. These open space areas hold potential habitat and records of special-status species including, but not limited to, San Pablo vole (*Microtus californicus sanpabloensis*), long-styled sand-spurrey (*Spergularia macrotheca* var. *longistyla*), short-eared owl (*Asio flammeus*), and northern harrier (*Circus hudsonius*).

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish, wildlife, and plant resources, including the habitats on which they depend.

Special-Status Plants

The IS notes that 12 special-status plant species have been documented in the vicinity of the Project site, yet concludes that potential habitat for such plant species is absent

Mr. Francisco Avila
Contra Costa County
August 30, 2021
Page 3 of 5

due to the site's historic disturbance and ruderal nature. The Biological Resources Analysis Report (BRAR) noted on page 14 and elsewhere in the IS, stated that only one site visit was conducted on July 16, 2015, resulting in no detections of special-status plants at the Project site.

CDFW recommends that the Project area be surveyed for special-status plants by a qualified botanist following the "Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities," which can be found online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline> (Protocol). This Protocol includes the identification of reference populations and adjacent potential habitat areas to assist in the accuracy and timing of Project site floristic surveys. For example, utilizing adjacent populations of the long-styled sand spurrey (Olson, 2017), a California Native Plant Society (CNPS) 1B.2 moderately threatened rare plant with the potential to occur at the wetland and non-wetland portions of the Project site that blooms and fruits February through May, to best time surveying for this rare plant on the Project site. The qualified botanist should have an applicable educational background in botany and, at the minimum, have two field seasons experience identifying and observing each special-status plant with the potential to occur at the Project site including, but not limited to, long-styled sand spurrey. The results of surveys following the Protocol should be summarized into Botanical Survey Reports, as found on page nine of the Protocol. If special-status plant species are identified during surveys, then the Botanical Survey Reports should be included in a revised and recirculated IS/MND with an updated impacts analysis. If potentially significant impacts are identified then the recirculated IS/MND should include correspondent avoidance, minimization and mitigation measures to reduce previously unidentified impacts to a level of less-than-significant. In the absence of protocol-level surveys being performed, additional surveys are necessary. Additionally, annual weather variance, including but not limited to the drought conditions of 2015 when the BRAR was conducted, may require the necessity for additional floristic surveys to be performed.

If State listed plants, special-status plants, State rare plants found on the CNPS California Rare Plant Ranking system, or rare or unusual plants found on the CNPS East Bay Chapters' Database of Rare and Unusual Plants are identified during botanical surveys, consultation with CDFW is warranted to determine if the Project can avoid take.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and

Mr. Francisco Avila
Contra Costa County
August 30, 2021
Page 4 of 5

contact information for CNDDDB staff can be found at the following link:
<https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

REGULATORY REQUIREMENTS

Lake and Streambed Alteration Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for 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.

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, the feasible mitigation measures described above should be incorporated as enforceable conditions into the final CEQA document for the Project. CDFW appreciates the opportunity to comment on the IS/MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Andrew Chambers, Environmental Scientist, at (707) 266-2878 or Andrew.Chambers@wildlife.ca.gov; or Melissa Farinha, Environmental Program Manager, at (530) 351-4801.

Sincerely,

DocuSigned by:

Stacy Sherman

692D021D81CA4F7...

Stacy Sherman
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse #2021080095

Mr. Francisco Avila
Contra Costa County
August 30, 2021
Page 5 of 5

REFERENCES

Olson, B. (2017). Long-styled sand spurrey [ds45]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Retrieved August 30, 2021, from <https://wildlife.ca.gov/Data/BIOS>.