



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

Mar 15 2024

STATE CLEARINGHOUSE

March 14, 2024

Katie Metraux, General Plan Manager
Department of Parks and Recreation
Post Office Box 942896
Sacramento, CA 94296
Katie.Metraux@parks.ca.gov

Subject: Carnegie SVRA General Plan Update, Preliminary General Plan, Draft Environmental Impact Report, SCH No. 2022030810, San Joaquin and Alameda Counties

Dear Katie Metraux:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from the Department of Parks and Recreation for the State Vehicle Recreation Area (SVRA) General Plan Update and Preliminary General Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the draft EIR to inform the Department of Parks and Recreation, as the Lead Agency, of our concerns regarding potentially significant impacts to biological 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 permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY AUTHORITY

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 plants or animals listed under CESA, either

¹ 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.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 2

during construction or over the life of the Project. Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. 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 ITP.

Lake or Streambed Alteration

Pursuant to Fish and Game Code section 1600 et seq., an LSA notification is required 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 deposit or dispose of material where it may pass into a river, lake or stream. The Project proponent should submit a 1602 notification covering all activities subject to Fish and Game Code 1602 authority. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the Final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Fully Protected Species

Fully protected species, such as white-tailed kite (*Elanus leucurus*), may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows. The take is for necessary scientific research, efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Specified types of infrastructure Projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the Project planning process.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds of prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

PROJECT DESCRIPTION SUMMARY

Proponent: California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 3

Project Description: The Carnegie SVRA is a 1,575-acre off-highway vehicle (OHV) park overseen by the Off-Highway Motor Vehicle Recreation (OHMVR) Division and operated by the Diablo Range District of State Parks. The purpose of the General Plan is to update the long-term management framework set in the 1981 General Plan and to establish the foundation for future park improvements. The update will provide a comprehensive framework for future SVRA development and use, and provide management objectives for the Park, identify formal boundaries, and make recommendations for the classification of all of the Park's acreage.

A General Plan is the primary management document for each park unit within the State Park System and establishes the park unit's primary purpose and management direction. An approved General Plan is required before State Parks can move forward with site-specific improvements that are beyond minor capital outlay Projects.

The General Plan Update includes recreational opportunities and management strategies for the Carnegie State Vehicular Recreation Area (Carnegie SVRA or the SVRA). A summary of the objectives of the Carnegie SVRA General Plan are as follows:

- Manage Carnegie SVRA for the protection of sensitive natural and cultural resources while providing recreational experiences;
- Manage the SVRA in accordance with the purpose of acquisition and classification;
- Promote public health and safety at Carnegie SVRA;
- Anticipate future demand for OHV recreation opportunities and identify strategies to accommodate the increase in demand at Carnegie SVRA;
- Provide management options for operating all portions of Carnegie SVRA in keeping with California's OHMVR Act of 2003, as amended;
- Increase the diversity of OHV opportunities at Carnegie SVRA;
- Provide interpretive opportunities for biological and cultural resources;
- Provide for adaptive management of park operations and resources;
- Plan orderly implementation of long-term capital improvements at Carnegie SVRA;
- Guide the enhancement of recreation opportunities that support family and community-oriented use;

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 4

- Provide a framework for the provision of adequate facilities for Carnegie SVRA management operations; and
- Comply with resource protection requirements, including air quality plans, stormwater management plans, and regulations protecting biological and cultural resources.

Project Component 1: Visitor Facilities

Campsite Remodel: State Parks may remove existing campsites 1 through 9 along Corral Hollow Road, which has a speed limit of 55 miles per hour (MPH) and turn this area into a buffer between the road and the campground. In addition to the SVRA main entrance, the campground has an entrance on its northern boundary, which connects directly to Corral Hollow Road. State Parks will install a gate at the northern entrance that will close after SVRA hours and may have lighting that illuminates “exit only” signs and “tire busters” to prevent unauthorized entry into the campground while still allowing vehicles to exit. Safety zones will also be created at entrances to reduce the potential for collisions when vehicles are entering and exiting the campground. Non-native trees that obscure viewing of oncoming traffic on Corral Hollow Road will be removed. Buffer and safety zones will be planted with native plants and trees and will provide drainage area for rainfall and dust control during the summer.

The campground remodel will include peeler core fencing to delineate and separate each campsite. Each campsite will be numbered and may include paved parking. Parking spurs will be approximately 45 feet long and 30 feet wide and at a 40-degree angle to allow easier backing in for larger RVs. Campsite delineation will also allow for an increased number of campsites. A “camping area” behind the parking spur will have a table, shade ramada, fire ring, and a space for visitor tent(s). Electricity hookups will be installed on the east side of the parking spur for each campsite.

New Group Campsite: State Parks will consider several locations on previously disturbed land within the SVRA’s gathering and services visitor experience area to develop a group campsite. One location currently under consideration is at the SVRA’s northwest corner. The campsite will hold up to approximately 30 people and may include parking spurs and spaces, electricity hookups, potable water, picnic tables, shade ramadas, a fire ring, space for visitor’s tents, and restrooms. State Parks will construct a dump station within previously disturbed land within the campground.

New Campfire Center: State Parks will design and construct a campfire center on previously disturbed land on the west end of the existing campground (will require relocating the water tower to another previously disturbed area, such as the area west of the existing all-terrain vehicle (ATV) track). The campfire center, with seating for 50 to 75 people, will have a partially covered stage, lockable/removeable audio and visual

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 5

equipment and screen, lighting, electrical outlets, firepit, and other associated infrastructure. The campfire center would be used for campfire and interpretive programs, entertainment events, and group gatherings. The seating would be in an amphitheater configuration facing the stage.

New Minibike Riding Area: A kid's minibike riding area with a simple flat oval dirt track will be installed on a small portion of the camping area at the east end of the campground and west of the existing peeler core fence and the loading/parking area to the east of the peeler core fence and north of the SVRA's main road. This area is currently used as an informal camp space with a concrete table and campfire ring.

New Pedestrian Interpretive Loop Trails: State Parks will construct two new interpretive loop trails east of the campground and existing ATV track. The loop trails would be on the north and south sides of the main SVRA road. The trails will be above ground boardwalks. No-climb fencing will be installed in some areas to avoid impacts to cultural resources. The exact alignment of the trails will be determined by Park staff and resource managers. The southern trail will have interpretive signage describing the historic town of Carnegie and the Carnegie Brick and Pottery factory previously present in this area. The trails will be developed according to State Parks guidelines and Americans with Disabilities Act (ADA) compliant to the extent feasible. The trails will include turnouts with benches and potentially picnic tables.

New Creekside Pedestrian Trail: This new native surface/dirt trail will run along the north side of Corral Hollow Creek, which is located south of the main SVRA road, and could help increase safety by reducing the number of pedestrians walking on the road. The trail may have interpretive signage and some focused fencing to keep people on the trail to avoid impacts to sensitive resources.

New Front Hills Single Motorbike Trail: This new two-way native surface/dirt trail will run along the hillside to the south of and parallel to Corral Hollow Creek and the SVRA's main road, with turnouts for motorbikes. The alignment of the trail will take into consideration the terrain and sensitive resources.

Additional Visitor Recreation Area: State Parks will consider redeveloping the current Motocross area into one or more new visitor facilities, such as a remote-control car track area with small features to mimic the natural environment with hills, bridges, and obstacles; a trials motorbike area; and an additional ATV track.

Reopening the Waterfall Canyon area to Non-Motorized Trail Use: State Parks is considering the rehabilitation of existing trails in in the southeast corner of the SVRA for non-motorized pedestrian use. Details about the trails and their allowed recreational uses will be provided in a Carnegie SVRA Roads and Trails Management Plan. The alignment of trails will take into consideration potential viewpoints, areas for picnic

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 6

tables, benches, and interpretive signage, terrain and drainages, and sensitive resources.

Franciscan Riding Area: State Parks will finish rehabilitating the area (the area south of the Franciscan loop trail that was damaged in the 2015 Tesla fire) into a sustainable trail network for advanced riders.

Miscellaneous: An additional restroom may be added near the existing Motocross track. Additionally, potential additions to the existing 4x4 riding area include driving obstacles, such as a teeter totter or pyramid, as feasible.

Project Component 2: Operations Facilities

SVRA Maintenance Area Improvements: The SVRA maintenance area is located at the county line near the SVRA's western boundary and is accessible from Corral Hollow Road. Maintenance area improvements may include expansion of the existing footprint to install two new prefabricated buildings (ranger office and sector building), auto shop remodeling/addition, fuel system upgrade (2,000 gallons for unleaded gas and 1,000 gallons for diesel), carport roof and siding repair/reconstruction, solar photovoltaic (PV) installation on carport, power maintenance shop upgrade, new fencing, paving/concrete surfacing for parking, and shade structures. The auto shop garage/warehouse layout may be redesigned and improved.

Ranger Station Expansion: State Parks will expand and redesign the layout of the existing ranger station building and yard. The station and yard face the entrance road to the north. The building will include features such as new staff work areas/stations and offices, a breakout room, meeting/tactical training room, storage rooms, a break room, a locker room with shower, and redesigned medical facility. The operations yard west of the station building would be expanded further west and redesigned to include an approximately 50-foot x 70-foot shop building, vehicle and trailer parking areas, monitoring well, drainage basin, fencing, and security gate. The visitor parking area at the back of the building would include rock cobble lined drainage parking islands, an ADA accessible parking space, and dumpster enclosure. Hot mixed asphalt paving will be added on the east side of the station building to connect the entrance road to the visitor parking area located at the back (south) of the station building. The Project will require demolition of the back half of the existing ranger station (including the current shade structure), approximately 900 square feet (sq. ft.) and the addition of approximately 4,300 square-feet to the entire ranger station building and yard area.

Emergency Helicopter Pad Relocation: Currently, the emergency helicopter pad is near the SVRA maintenance area. The pad will be relocated to an area just east of the existing ranger station to better support and improve emergency medical response. The pad will be a hardscaped surface.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 7

Volunteer Training Area Enhancements: A volunteer training area will be expanded further east (potentially up to the location of the proposed greenhouse) to include facilities and features such as a classroom (no larger than 30 feet by 30 feet) and additional picnic tables.

Campground Host Sites: State Parks will develop up to four campground host sites potentially near the volunteer training area. These sites will provide features such as parking spur, electricity hook-up, water, picnic table, shade ramada, and fire ring.

New Greenhouse: A greenhouse will be constructed west of the existing visitor day-use area. State Parks will also install picnic tables for plant cuttings and educational programs. The greenhouse will likely be a cold frame structure and approximately 20 feet by 84 feet with a minimum 6-foot arch on the center arch and 5-foot side walls.

SVRA Headquarters Area Improvements: This area is located north of the campground and Corral Hollow Road and east of California Fire Station 21 and includes a portable building with SVRA staff offices and meeting space, storage sheds, a SVRA staff residence, three SVRA staff trailer pads, the SVRA water plant, and a large, drained man-made stock pond. The portable office building is at maximum capacity. Project area improvements may include filling the drained pond for additional developable space, upgrading or expanding the existing office space and other operations facilities and staff housing, such as a new wood shop, a new resource work/storage building, additional storage sheds/space, a new double-wide modular home for SVRA staff, additional staff trailer pads, and/or expanding the parking area.

Water Treatment Facility Upgrade: The water treatment facility system will be upgraded to increase water treatment capacity and provide a backup system to generate power to produce water during outages. The Project will replace the existing system with a modern, pressurized system. The Project will also include a new water treatment facility building, new water monitoring equipment with a chlorine injection system, and other modern efficiency and safety features.

Miscellaneous: Other potential operations facility Projects may include new or improved low-water creek crossing(s), maintenance of creek crossings, SVRA staff and public electric vehicle charging infrastructure, and an ATV and/or motocross track sprinkler system. Additionally, facilities for communication or technology support could be in any of the SVRA use areas, except for limited recreation areas. Maintenance and resource management activities also include activities such as shade ramada replacement, as needed, and tree planting.

Location: Carnegie SVRA is located within unincorporated Alameda and San Joaquin Counties, approximately 15 miles east of Livermore and 12 miles west of Tracy. To the north is the Lawrence Livermore Laboratory property. Open space and rural residential

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 8

areas (ranchland) are located to the east, west, and south. Carnegie SVRA lies south of Corral Hollow Road/Tesla Road and is largely located on a northern hillside. Approximate GPS Coordinates 37.634135, -121.543642.

ENVIRONMENTAL SETTING

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species that can be considered to be endangered, rare or threatened as defined in CEQA Guidelines section 15380, with potential to occur on-site include, but are not limited to:

Scientific Name	Common Name	Status
<i>Amsinckia grandiflora</i>	Large-flowered fiddleneck	State rank S2, CRPR ² 1B.2
<i>Ambystoma californiense</i>	California tiger salamander	CESA listed as threatened; Central California Distinct Population Segment ESA listed as threatened
<i>Ammodramus savannahrum</i>	Grasshopper sparrow	California SSC
<i>Anniella pulchra</i>	Northern California legless lizard	SSC
<i>Aquila chrysaetos</i>	Golden eagle	California Fully Protected species; Bald and Golden Eagle Protection Act
<i>Arizona elegans occidentalis</i>	California glossy snake	SSC
<i>Athene cunicularia</i>	Burrowing owl	SSC
<i>Blepharizonia plumosa</i>	Big tarplant	S2, CRPR 1B.1
<i>Buteo swainsoni</i>	Swainson's hawk	CESA listed as threatened
<i>Campanula exigua</i>	Chaparall harebell	S2, CRPR 1B.2

² CRPR rank definitions are available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants>).

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 9

Scientific Name	Common Name	Status
<i>Caulanthus Lemmonii</i>	Lemmon's jewelflower	S3; CRPR 1B.2
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Delphinium californicum spp. Interius</i>	Hospital Canyon larkspur	S3, CRPR 1B.2
<i>Elanus leucurus</i>	White-tailed kite	California Fully Protected species
<i>Emys marmorata</i>	western pond turtle	SSC
<i>Eschscholzia rhombipetala</i>	Diamond-petaled California poppy	S1, CRPR 1B.1
<i>Hesperolinon breweri</i>	Brewer's western flax	S2, CRPR 1B.2
<i>Lanius ludovicianus</i>	Loggerhead shrike	SSC
<i>Madia radiata</i>	Showy golden madia	S3, CRPR 1B.1
<i>Masticophis flagellum ruddocki</i>	San Joaquin coachwhip	SSC
<i>Masticophis laterallus eruixanthus</i>	Alameda whipsnake	CESA listed as threatened, ESA listed as threatened
<i>Phrynosoma blainvilli</i>	Coast horned lizard	SSC
<i>Rana boylei</i>	Foothill yellow-legged frog (west/Central coast clade)	CESA listed as endangered
<i>Rana draytonii</i>	California red-legged frog	SSC, ESA listed as threatened
<i>Spea hammonidii</i>	Western spadefoot toad	SSC, ESA proposed as threatened
<i>Taxidea taxus</i>	American badger	SSC
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	CESA listed as threatened; ESA listed as endangered

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 10

CRPR = California Rare Plant Rank; FE = Federally Endangered; FT = Federally Threatened; SE = State Endangered; ST = State Threatened; SFP = State Fully Protected; SSC = State Species of Special Concern

California Native Plant Society (CNPS) Plant Ranks

- 1A = Presumed extinct in California
- 1B = Rare, Threatened, or Endangered in California and Elsewhere

CNPS Threat Ranks

- 0.1-Seriously threatened in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80 percent occurrences threatened / moderate degree and immediacy of threat)

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Lead Agency in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends, CDFW concludes that an EIR is appropriate for the Project. Please see Attachment 1 Draft Mitigation and Monitoring Reporting Plan outlining the mitigation measures recommended by CDFW below.

COMMENT 1: Western Spadefoot Toad, California Tiger Salamander, California Red-Legged Frog, and Western Pond Turtle

Overall Issues: The draft EIR's mitigation measure Wildlife Guidance 1.7 defers mitigation for Western spadefoot toad, California tiger salamander, California red-legged frog, and western pond turtle by stating the following: "develop and implement appropriate measures to avoid or compensate for potential direct and indirect impacts of Project-specific activities on special-status". The only specific measure included addressing these species is Wildlife Guideline 1.7. All avoidance, minimization, and mitigation measures need to be fully disclosed and described during the CEQA process.

Please see the following individualized measure sections to address impacts to Western spadefoot toad, California tiger salamander, California red-legged frog, and Western pond turtle.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 11

Comment 1A: Western Spadefoot Toad

Issue: Western spadefoot toad is a California SSC and has been documented in the Original Carnegie SVRA. Western spadefoot toads are almost completely terrestrial and enter water only to breed (Dimmitt and Ruibal 1980). Recently metamorphosed juveniles emerge from water and seek refuge in the immediate vicinity of natal ponds. They spend several hours to several days near these ponds before dispersing. CDFW staff observed western spadefoot toadlets seeking refuge in drying mud cracks in the breeding pools at the Original Carnegie SVRA. Therefore, there is a high risk of impacting this species during General Plan construction activities. The draft EIR as written does not provide adequate avoidance, mitigation, or minimization measures to address this species.

Western spadefoot toads are included in the U.S. Fish and Wildlife Service (USFWS) (2005) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (Recovery Plan). The Recovery Plan states that during dry periods, spadefoot toads construct and occupy burrows that may be up to 0.9-meter (three feet) in depth (as cited in Ruibal et al. 1969). Individuals may remain in these burrows for eight to nine months. Sound or vibration from rain striking the ground appears to be the primary emergence cue used by spadefoot toads, and even the vibrations of a motor can cause toads to emerge (Dimmitt and Ruibal 1980).

Sound or vibration from rain striking the ground appears to be the primary emergence cue used by spadefoot toads, and even the vibrations of a motor can cause toads to emerge (Dimmitt and Ruibal 1980). Based on calculations from upland habitat use data analyzed by Semlitsch and Brodie (2003), a buffer of 1,207 feet from suitable breeding wetlands or pools may provide protection for Western spadefoot toads.

Recommendations: The draft EIR shall analyze all groundwork activities, such as grading and filling, that may potentially impact Western spadefoot toad and shall also discuss all potentially significant impacts to the species. For any permanent Project impacts to Western spadefoot toads, or their habitat, CDFW recommends that the draft EIR include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value relative to the habitat that is lost either temporarily or permanently. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a legal instrument such as a conservation easement.

Comment 1B: California Tiger Salamander

Issue: According to BIOS, there is one extant observation of California tiger salamander intercepting the Northeastern portion of the site (California Natural Diversity Database (CNDDDB) accessed February 2024). This site contains breeding and estivation habitat.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 12

California tiger salamander are known to migrate up to 1.3 miles from a breeding pond to upland habitat to aestivate. Therefore, it is critical that adequate measures are incorporated into the draft EIR to address potential Project impacts to this species.

Recommendation: Due to the Project location overlapping California tiger salamander occurrences and appropriate habitat, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project activity implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts; mitigation, and should fully describe a mitigation, monitoring and reporting program. As mentioned above, if the proposed Project will impact any 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. More information on the CESA permitting process and protocol survey procedures can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA> or <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

CDFW recommends consulting with USFWS to comply with federal Endangered Species Act (ESA) requirements.

Comment 1C: California Red-Legged Frog

Issues: According to BIOS, there are several extant detections of California red-legged frog located on the Original SRVA (CNDDDB accessed February 2024). As described above, Wildlife Guideline 1.4 and 1.7 do not adequately detail enforceable avoidance, minimization, or mitigation measures to reduce impacts to a less than significant level.

California red-legged frog require a variety of habitats, including aquatic breeding habitats and upland dispersal habitats. Breeding occurs sites are generally found in deep (greater than 2.5 feet), still or slow-moving aquatic habitats with a wide range of edge and emergent cover levels, including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frog frequently breed in artificial impoundments such as stock ponds (USFWS 2002). California red-legged frog can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails (*Typha* sp.) or overhanging willows (*Salix* sp.) or can proliferate in ponds devoid of emergent vegetation (i.e., stock ponds). Potential habitat for California red-legged frog includes nearly any area within one to two miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2017b).

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 13

Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to the species (Thompson et al. 2016; USFWS 2017b). Therefore, if California red-legged frog is present in the Project area and would be impacted, Project impacts to California red-legged frog would be potentially significant.

Recommendations: For an adequate environmental setting and to reduce potential impacts to California red-legged frog to less-than-significant, CDFW recommends adding the following measure to the EIR:

Within 48 hours prior to the commencement of ground-disturbing activities, the Project area and nearby vicinity, including a minimum 500-foot radius surrounding the Project area, shall be assessed by a qualified biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows. The results of the habitat feature assessment shall be submitted to the Lead Agency and CDFW prior to starting Project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project shall not proceed, or all work shall cease. Work shall not proceed until the frog, through its own volition, moves out of harm's way. If California red-legged frog is encountered or the qualified biologist believes that California red-legged frog is likely to occur in the Project area, the Project shall consult with USFWS pursuant to the federal ESA. All California red-legged frog upland and breeding habitat should be considered and evaluated when consulting with USFWS for take authorization.

Comment 1D: Western Pond Turtle

Issue: According to BIOS, there are several extant detections of western pond turtle located on the Original SRVA (CNDDDB accessed February 2024). As described above, Wildlife Guideline 1.4 and 1.7 do not adequately detail avoidance, minimization, or mitigation measures to adequately address impacts.

Western pond turtles are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500 meters have also been reported. It is unclear where the described ephemeral pond of other water bodies are located on the Project site. Additionally, western pond turtles can spend up to 200 days away from water, especially since ponds tend to dry down during summer months.

Without appropriate avoidance and minimization measures for western pond turtles, potentially significant impacts associated with Project activities include nest destruction,

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 14

inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

Recommendations: CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to each phase of the Project. If nesting habitat is identified then to exclude any female western pond turtle from laying eggs within a development phase of the Project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained weekly until construction activities have been completed.

Additionally, CDFW recommends that if any western pond turtles are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate it out of harm's way to habitat similar to where it was found.

COMMENT 2: Coast Horned Lizard

Issue: The draft EIR does not analyze the potential for impacts to coast horned lizard based on proposed construction activities. CDFW staff have observed coast horned lizards at the Tesla Coal Mining Complex, which is approximately 1.5 miles northwest of the SVRA, west of Tesla Road. Coast horned lizard is vulnerable to death or injury by off-road vehicle use as its main form of defense is to sit motionless or seek refuge in shallow burrows (Stebbins 2012). Being a diurnal lizard, most activity occurs during the middle of the day in the spring and fall but is restricted to morning and late afternoon during mid-summer.

Recommendation: State Parks shall propose a pitfall trap monitoring protocol to understand the distribution of coast horned lizard on the site prior to conducting expansion activities. For Project impacts to Western spadefoot toads, or their habitat, the draft EIR shall include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement.

COMMENT 3: Alameda Whipsnake

Issue: The draft EIR's Wildlife Guideline 1.4 includes a buffer requirement of 150-feet around "preferred" Alameda whipsnake habitat, including scrub habitat. However, this measure does not provide any information on survey protocols to be used to determine habitat impacts. The draft EIR does not provide surveys results from multiple intensive

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 15

and focused surveys (i.e. use of cover boards, trapping, multi-line transect visual surveys) for Alameda whipsnake during the peak of the season in which detection probabilities are highest.

Due to the elusive, fast-moving nature of Alameda whipsnake and their use of animal burrows as refugia, presence/absence may not accurately locate and allow for full avoidance of Alameda whipsnake. The use of heavy machinery in Alameda whipsnake habitat can cause burrow collapse, resulting in take of Alameda whipsnake that may go unnoticed.

Recommendations: CDFW recommends implementing temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing operations, including clearing and grubbing, within suitable habitat areas to allow for snake dispersal. For vegetation removal work in Alameda whipsnake habitat, CDFW recommends operations occur during winter months, where feasible, when snakes are less active (Alvarez, 2021). Additionally, CDFW recommends Wildlife Guideline 1.4 be revised to state ongoing surveys will occur ahead of all manual and mechanical work in suitable habitat areas. CDFW recommends crews be advised on where to broadcast wood chips, avoiding potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation.

Unless adequate Alameda whipsnake surveys are performed demonstrating negative results, CDFW recommends that the draft EIR presuppose the species is present and utilizes the Project site and an ITP be obtained for the Project. Alameda whipsnake has been documented using the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. CDFW recommends that these habitat types be mapped on the Project site and Project impacts such as permanent destruction of habitat and permanent ongoing impacts from roadways be identified in a revised EIR. The EIR should also address cumulative impacts to the Alameda whipsnake from fragmentation of habitat, permanent loss of habitat and impacts from vehicle traffic on roadways. CDFW recommends for this Project, that the Project mitigate for these impacts to Alameda whipsnake and their habitats to a less-than-significant level requiring compensatory mitigation in the form of conserved lands at minimum 5:1 (mitigation to impact) ratio for new roadways, a minimum 3:1 ratio for all other permanent impacts and a minimum of 1.25:1 ratio for temporary impacts. Conserved lands should be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. CDFW recommends that priority for conserved lands be given to on-site locations. To ensure significant impacts are adequately mitigated to a level less-than significant, feasible mitigation measures described above should be incorporated as enforceable conditions into the final CEQA document for the Project.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 16

COMMENT 4: Nesting Migratory Birds, including Nesting Raptors and Fully Protected Birds

Issues: Wildlife Guideline 1.6 would not adequately reduce impacts to nesting birds to a level of less-than-significant. While this measure requires a pre-construction survey, it does not provide any details regarding buffer distances, a nest monitoring timeline, or requirements to ensure the qualified biologist does not miss signs of disturbance and/or distress. Without an adequate protocol specified, Project-related impacts to nesting birds could lead to significant impacts to nesting birds including, but not limited to, nest abandonment, nest failure, impacts to availability of forage, chick mortality, and resultant population decline.

Recommendations: CDFW recommends the draft EIR be revised to incorporate the following edits to language in Wildlife Guideline 1.6 to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.

Construction work shall take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of Fish and Game Code. A qualified biologist shall conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys shall be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for non-raptors; (2) and 1,000 feet for raptors. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.

- *Active Nest Buffers. Active nest sites and protective buffer zones shall be designated as “ecologically sensitive areas” where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and shall increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.*
- *Active Nests. A qualified biologist shall observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of*

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 17

the adults and any nestlings. Once Project activities commence, all active nests shall be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt Project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.

COMMENT 5: Golden Eagle

The draft EIR does not discuss potential Project impacts to golden eagles. However, there is an extant golden eagle observation approximately 2.55 miles to the northwest of the Project site (CNDDDB accessed February 2024). The Carnegie SRVA contains grazed grassland, which is suitable for golden eagle to use as foraging habitat. Additionally, a component of the Project involves removal of several trees within the campground on-site. Based on the proposed activities, proximity of observation data, and available surrounding habitat, Project activities may cause significant impacts to golden eagle without focused surveys conducted.

Golden eagles are sensitive to both visual disturbances as well as noise disturbance alone, even with a full visual barrier. The species typically displays subtle behavioral changes signifying stress from noise and visual disturbances. These behavioral changes can easily be missed, so it is critical that any biologist conducting surveys have previous experience monitoring golden eagle nest behavior.

Recommendations: CDFW recommends incorporating following survey protocols per the *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* document:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83940>.

Surveys shall be conducted by a qualified biologist with sufficient experience surveying and monitoring golden eagle. Golden eagles are known to spend 90 percent of their time within one mile of a nest; therefore, nest surveys should be completed at minimum within one mile of the outer boundaries of Project related activities. Active golden eagle nests observed within one mile of Project related activities shall be monitored by a qualified biologist and a “no-work” buffer shall be implemented until all young have fledged.

If impacts to golden eagles as a result of Project related activities cannot be avoided, CDFW and USFWS shall be consulted for further guidance.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 18

COMMENT 6: Burrowing Owl

Issues: Wildlife Guideline 1.9 requires a pre-construction level survey for burrowing owl within suitable burrowing owl habitat or within 50 feet of suitable burrowing owl habitat according to guidelines as described in their Staff Report on Burrowing Owl Mitigation (2012). This survey buffer distance is insufficient in appropriately avoiding impacts to the species. Please be advised that preconstruction surveys alone are inadequate to determine impacts to western burrowing owl and their habitat. All guidelines presented in the Staff Report on Burrowing Owl (2012) should be followed throughout the SVRA as applicable.

If burrowing owl that may be impacted by the Project are not detected, the Project may result in reduced health and vigor, or direct mortality, of burrowing owl arising from impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and visual disturbances (Klute et. al 2003). Therefore, if burrowing owl are present on, or within 1,640 feet of, the Project site, impacts to burrowing owl would be potentially significant.

Recommendation: For an adequate environmental setting evaluation and to reduce impacts to burrowing owl to a level less-than-significant, CDFW recommends revising the draft EIR to include the following revised mitigation measure:

A qualified biologist shall conduct a habitat assessment for burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.

Detected burrowing owl shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owl (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 19

site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.

COMMENT 7: Swainson's Hawk

Issue: The draft EIR does not analyze the potential for Swainson's hawk impacts, including a habitat analysis of potential nest trees near the Project site. Swainson's hawk is known to forage in the vicinity of the Project area. Noise-generating or vegetation-disturbing activities as described in the General Plan update may result in take of Swainson's hawk.

Recommendations: CDFW recommends the draft EIR require the Project to conduct protocol-level surveys for Swainson's hawk nest sites to determine the impacts to Swainson's hawk and appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (TAC Report) available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

To mitigate for the loss of Swainson's hawk foraging habitat in a method consistent with the *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*, CDFW 1994, (SWHA Staff Report), CDFW recommends the draft EIR incorporate the following language:

- For projects within one mile of an active nest tree (the SWHA Staff Report defines an active nest as used during one or more of the last five years), provide at least one acre of land for each acre of development authorized;
- For Projects within five miles of an active nest tree, but greater than one mile from the nest tree, provide at least 0.75 acres of land for each acre of development authorized; and
- For Projects within 10 miles of an active nest tree, but greater than five miles from an active nest tree, provide at least 0.5 acres of land for each acre of development authorized.

CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active SWHA nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 15 through September 15) in order to avoid significant impacts to SWHA. If

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 20

Project activities must be conducted during this critical phase, then the Project should be required to apply for an Incidental Take Permit.

COMMENT 8: Townshend's Big-Eared Bat

Issue: Townshend's big-eared bats are protected by CDFW as California SSC and have potential to be present on-site. Townsend's big-eared bat has been observed at the Tesla Coal Mine Site (T. Kerss (DeSilva) personal communication, March 21, 2015), an area proposed for gathering areas, trail and road crossings. The draft EIR requires a preconstruction survey for potential bat roosting habitat (large trees with cavities, rock outcrops, caves, mines) in proposed construction areas and a 100-foot buffer around the construction area (Western Bat Working Group 2007). However, a preconstruction survey alone is not sufficient in adequately assessing potential impacts to bat species. The draft EIR indicates that tree removal will occur within the Project area. Townshend's big-eared bat may roost in snags, crevices, cavities, and foliage of mature trees (typically greater than 12-inch diameter at breast height [dbh]) on and within 100 feet of the Project site.

Construction activities may result in the disturbance of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. Bats also often roost in buildings and other structures; especially as human development has encroached on wildland habitat. Proposed activities may result in the disturbance and/or loss of hibernation or maternal roost sites, which may result in the harm, death, displacement of individual bats and/or the disruption of reproductive success of nursery colony roosts. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1).

Recommendations: To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project:

Recommendation 1: Bat Habitat Assessment

To evaluate Project impacts to bats, a qualified bat biologist shall conduct a habitat assessment for bats at the site seven (7) days prior to the start of Project activities. The habitat assessment shall include a visual inspection of features within 50 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.

Recommendation 2: Bat Habitat Monitoring

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

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 21

Recommendation 3: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities shall stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.

Qualified biologists shall possess the appropriate specialized qualifications, such as 1) at least two years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys.

Recommendation 4: Tree Removal Methodology

For all unavoidable tree removal, survey methodology shall be provided in the CEQA Document. Any trees containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day one, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed.

All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist shall survey the trees to the extent feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree shall not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.

COMMENT 9: Special-Status Plants

Issue: The draft EIR Plant Guideline 1.1 requires conducting protocol-level surveys for special-status plants and sensitive natural communities according to guidance provided by CDFW and USFWS. CDFW concurs with this measure, however, the measure should incorporate more robust and clear survey and mitigation requirements to prevent the Project from causing significant impacts on special-status plant species. Potential impacts to special-status plants include inability to reproduce and direct mortality. Special-status plants are often narrowly distributed endemic species. They are susceptible to habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species. Therefore, there is high potential for the Project to have significant impacts to these species and their populations.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 22

Due to the high potential for encountering special-status plants on-site, appropriate methodologies for species detection should be clearly outlined and conducted well in advance of the anticipated start of construction. If CESA listed plants that may be impacted by the Project go undetected, the Project may result in mortality of individuals from direct impacts or degradation of habitat adjacent to ground disturbance. The CESA listed plant species mentioned herein are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA listed plants are present on or directly adjacent to the Project site where they may be indirectly impacted, the Project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendations: For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends adding the following information to Plant Guideline 1.1:

The Project shall complete two years of protocol-level botanical surveys and incorporate the results into a revised EIR. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. Surveys conducted during drought conditions may not be acceptable.

In addition, the draft EIR should be revised to include all species of special-status plants that will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a copy of the botanical survey results and proposed Mitigation and Monitoring Plan to the Lead Agency with copy sent to CDFW. Based on the results of botanical surveys, a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants, including those with a rare plant ranking, are detected.

COMMENT 10: Crotch's Bumble Bee

Issue: The Carnegie SVRA area is within the current known range of the Crotch's bumble bee and suitable nesting habitat for the species is present in the Project area, however, the draft EIR does not analyze potential impacts to this species, nor does it

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 23

identify any mitigation measures. Potential adverse effects to this species from vegetation removal, clearing, grubbing, and grading work on-site may include direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, and loss of native vegetation that may support essential foraging habitat.

Recommendation: CDFW recommends the draft EIR include an analysis of impacts to Crotch's bumble bee and identify avoidance, minimization and mitigation measures based on the analysis to ensure impacts are reduced to a level of less-than-significant. CDFW also recommends that the draft EIR include a mitigation measure that requires focused surveys for the species to be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, focused surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (<https://wildlife.ca.gov/Conservation/CESA>).

CDFW recommends the Project be revised to indicate that within suitable habitat for Crotch's bumble bee, the impact area should be divided into a sufficient number of units such that the entirety of the habitat is not impacted within the same year in order to provide refuge for special-status bumble bees during treatment activities and temporary retention of suitable floral resources proximate to the treatment area. Additionally, CDFW recommends that habitat removal (i.e. grading of floral resources) be conducted in a patchwork pattern to the extent feasible in occupied or suitable habitat, such that the entirety of the habitat is not removed and untreated portions of occupied or suitable habitat are retained.

COMMENT 11: East Alameda Conservation Strategy

The updated General Plan is located within the East Alameda County Conservation Strategy (EACCS) and Conservation Zones 9 and 10³, which includes a portion of the SRVA Expansion Area. The EACCS was a joint effort including, but not limited to, Alameda County, East Bay Regional Park District, USFWS and CDFW. The EACCS is intended to support and streamline the permitting process. The EACCS does not create new regulations or change the process by which a Project applicant obtains permits for authorization to impact biological resources, but it has, in fact, been accepted as a guidance document by several agencies including USFWS and CDFW. Several of the species potentially impacted by this Project are included as focal species in the EACCS,

³ Conservation Zone 9 is located in the eastern region of the EACCS study area. This 16,135-acre CZ contains Arroyo Seco and Patterson Pass watersheds in their entirety and is bounded to the north by I-580. CZ-10 is located along the eastern boundary of the EACCS study area. This 26,144-acre CZ is made up of portions of the Mountain House, Mountain House Creek, Patterson Run, Carnegie, Mitchell Ravine, Upper Corral Hollow Creek, and Carbona watersheds.

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 24

such as California red-legged frog, Alameda whipsnake, golden eagle and burrowing owl.

CDFW recommends the SVRA provide a thorough analysis for these impacts and discuss the mitigation that will be implemented consistent with the goal of the EACCS.

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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist State Parks in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Mia Bianchi, Senior Environmental Scientist (Specialist), at (707) 815-8722 or Mia.Bianchi@wildlife.ca.gov; or Melissa Farinha, Environmental Program Manager at (530) 351-4801 or Melissa.Farinha@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Katie Metraux
Department of Parks and Recreation
March 14, 2024
Page 25

Attachment: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2022030810)

REFERENCES

- California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>
- California Department of Fish & Wildlife. 2021. California Natural Diversity Database (CNDDDB) Rarefind Electronic database. Sacramento, CA. Search of U.S. Geological Survey 7.5-minute quadrangles.. Accessed March 2024.
- Dimmitt, M.A. and R. Ruibal. 1980. Environmental Correlates of Emergence in Spadefoot Toads 15 (*Scaphiopus*). *Journal of Herpetology* 14:21–29.
- Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.
- Thompson, R.C., A.N. Wright, and H.B. Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. University of California Press and California Department of Fish and Wildlife.
- U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii and 173.
- U.S. Fish and Wildlife Service (USFWS). 2005. Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Portland, Oregon. xxvi +606 pages. <http://www.fws.gov/endangered/recovery/index.html#plans>.
- U.S. Fish and Wildlife Service. 2017b. Species Account for California Red-legged frog. December 2017. Sacramento, CA.
- Semlitsch, R. D. and J. R. Brodie. 2003. Biological criteria for buffer zones around wetlands and riparian habitats for amphibians and reptiles. *Conservation Biology* 17(5):1219-1228.

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 26

ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure Description	Implementation Schedule	Responsible Party
<p>Wildlife Guidance 1.7: Western Spadefoot Toad</p> <p>The draft EIR shall analyze all groundwork activities, such as grading and filling, that may potentially impact Western spadefoot toad and shall also discuss all potentially significant impacts to the species. For any permanent Project impacts to Western spadefoot toads, or their habitat, CDFW recommends that the draft EIR include appropriate and effective compensatory mitigation by preserving like habitat of equal or greater habitat value relative to the habitat that is lost either temporarily or permanently. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a legal instrument such as a conservation easement.</p>	Prior to ground disturbance	Project Applicant
<p>Wildlife Guidance 1.7: California Tiger Salamander</p> <p>Due to the Project location overlapping California tiger salamander occurrences and appropriate habitat, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project activity implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts; mitigation, and should fully describe a mitigation, monitoring and reporting program. As mentioned above, if the proposed Project will impact any 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. More information on the CESA permitting process and protocol survey procedures can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA or https://www.wildlife.ca.gov/Conservation/Survey-Protocols.</p> <p>CDFW recommends consulting with USFWS to comply with federal ESA requirements.</p>	Prior to ground disturbance	Project Applicant
<p>Wildlife Guidance 1.7: California Red-Legged Frog</p>	Prior to ground disturbance	Project Applicant

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 27

<p>For an adequate environmental setting and to reduce potential impacts to California red-legged frog to less-than-significant, CDFW recommends adding the following measure to the EIR:</p> <p><i>Within 48 hours prior to the commencement of ground-disturbing activities, the Project area and nearby vicinity, including a minimum 500-foot radius surrounding the Project area, shall be assessed by a qualified biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows. The results of the habitat feature assessment shall be submitted to the Lead Agency and CDFW prior to starting Project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project shall not proceed, or all work shall cease. Work shall not proceed until the frog, through its own volition, moves out of harm's way. If California red-legged frog is encountered or the qualified biologist believes that California red-legged frog is likely to occur in the Project area, the Project shall consult with USFWS pursuant to the federal ESA. All California red-legged frog upland and breeding habitat should be considered and evaluated when consulting with USFWS for take authorization.</i></p>		
<p>Wildlife Guidance 1.7: Western Pond Turtle</p> <p>CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to each phase of the Project. If nesting habitat is identified then to exclude any female western pond turtle from laying eggs within a development phase of the Project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained weekly until construction activities have been completed.</p> <p>Additionally, CDFW recommends that if any western pond turtles are discovered at the site immediately prior to or during Project activities, they be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate it out of harm's way to habitat similar to where it was found.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p>Additional Measure: Coast Horned Lizard</p> <p>State Parks shall propose a pitfall trap monitoring protocol to understand the distribution of coast horned lizard on the site prior to conducting expansion activities. For Project impacts to Western spadefoot toads, or their habitat, the draft EIR shall include appropriate and effective compensatory mitigation by</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 28

<p>preserving like habitat of equal or greater habitat value. If the mitigation lands will be on-site, the draft EIR shall include a detailed map showing the preserved land and it should specify that the preserved land area will be protected in perpetuity under a conservation easement.</p>		
<p>Wildlife Guideline 1.4: Alameda Whipsnake</p> <p>CDFW recommends implementing temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing operations, including clearing and grubbing, within suitable habitat areas to allow for snake dispersal. For vegetation removal work in Alameda whipsnake habitat, CDFW recommends operations occur during winter months, where feasible, when snakes are less active (Alvarez, 2021). Additionally, CDFW recommends Wildlife Guideline 1.4 be revised to state ongoing surveys will occur ahead of all manual and mechanical work in suitable habitat areas. CDFW recommends crews be advised on where to broadcast wood chips, avoiding potential Alameda whipsnake refugia such as rocky outcrops and mammal burrows, in addition to limiting chip depth in suitable habitat to prevent disruption of Alameda whipsnake thermoregulation.</p> <p>Unless adequate Alameda whipsnake surveys are performed demonstrating negative results, CDFW recommends that the draft EIR presuppose the species is present and utilizes the Project site and an ITP be obtained for the Project. Alameda whipsnake has been documented using the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features. CDFW recommends that these habitat types be mapped on the Project site and Project impacts such as permanent destruction of habitat and permanent ongoing impacts from roadways be identified in a revised EIR. The EIR should also address cumulative impacts to the Alameda whipsnake from fragmentation of habitat, permanent loss of habitat and impacts from vehicle traffic on roadways. CDFW recommends for this Project, that the Project mitigate for these impacts to Alameda whipsnake and their habitats to a less-than-significant level requiring compensatory mitigation in the form of conserved lands at minimum 5:1 (mitigation to impact) ratio for new roadways, a minimum 3:1 ratio for all other permanent impacts and a minimum of 1.25:1 ratio for temporary impacts. Conserved lands should be protected in perpetuity under a legal instrument such as a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. CDFW recommends that priority for conserved lands be given to on-site locations. To ensure significant impacts are adequately mitigated to a level less-than significant, feasible mitigation measures described above should be incorporated as</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 29

<p>enforceable conditions into the final CEQA document for the Project.</p>		
<p>Wildlife Guideline 1.6: Nesting Migratory Birds, including Nesting Raptors and Fully Protected Birds</p> <p>CDFW recommends the draft EIR be revised to incorporate the following edits to language in Wildlife Guideline 1.6 to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.</p> <p><i>Construction work shall take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of Fish and Game Code. A qualified biologist shall conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys shall be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for non-raptors; (2) and 1,000 feet for raptors. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.</i></p> <ul style="list-style-type: none"> <i>Active Nest Buffers. Active nest sites and protective buffer zones shall be designated as “ecologically sensitive areas” where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and shall increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.</i> <i>Active Nests. A qualified biologist shall observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of the adults and any nestlings. Once Project activities commence, all active nests shall be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the</i> 	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 30

<p><i>Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt Project activities causing that change until they nestlings have fledged, and the nest is determined to be inactive.</i></p>		
<p>Additional Measure: Golden Eagle</p> <p>CDFW recommends incorporating following survey protocols per the <i>Interim Golden Eagle Inventory and Monitoring Protocols</i>; and <i>Other Recommendations</i> document: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83940.</p> <p><i>Surveys shall be conducted by a qualified biologist with sufficient experience surveying and monitoring golden eagle. Golden eagles are known to spend 90 percent of their time within one mile of a nest; therefore, nest surveys should be completed at minimum within one mile of the outer boundaries of Project related activities. Active golden eagle nests observed within 1 mile of Project related activities shall be monitored by a qualified biologist and a “no-work” buffer shall be implemented until all young have fledged.</i></p> <p><i>If impacts to golden eagles as a result of Project related activities cannot be avoided, CDFW and USFWS shall be consulted for further guidance.</i></p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p>Wildlife Guideline 1.9: Burrowing Owl</p> <p>For an adequate environmental setting evaluation and to reduce impacts to burrowing owl to a level less-than-significant, CDFW recommends revising the draft EIR to include the following revised mitigation measure:</p> <p><i>A qualified biologist shall conduct a habitat assessment for burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes</i></p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 31

<p><i>to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.</i></p> <p><i>Detected burrowing owl shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owl (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.</i></p>		
<p>Additional Measure: Townshend’s Big Eared Bat</p> <p>To evaluate and avoid potential impacts to bat species, CDFW recommends incorporating the following mitigation measures into the Project’s draft EIR, and that these measures be made conditions of approval for the Project:</p> <p><u>Recommendation 1: Bat Habitat Assessment</u></p> <p>To evaluate Project impacts to bats, a qualified bat biologist shall conduct a habitat assessment for bats at the site seven (7) days prior to the start of Project activities. The habitat assessment shall include a visual inspection of features within 50 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.</p> <p><u>Recommendation 2: Bat Habitat Monitoring</u></p> <p>If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.</p> <p><u>Recommendation 3: Bat Project Avoidance</u></p> <p>If bat colonies are observed at the Project site, at any time, all Project activities shall stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.</p> <p>Qualified biologists shall possess the appropriate specialized qualifications, such as 1) at least two years of experience conducting bat surveys that resulted in detections for the relevant species including the Project name, dates, and person</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 32

<p>who can verify the experience, and 2) the types of equipment used to conduct surveys.</p> <p><u>Recommendation 4: Tree Removal Methodology</u></p> <p>For all unavoidable tree removal, survey methodology shall be provided in the CEQA Document. Any trees containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day one, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed.</p> <p>All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist shall survey the trees to the extent feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree shall not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.</p>		
<p>Additional Measure: Swainson’s Hawk</p> <p>CDFW recommends the draft EIR require the Project to conduct protocol-level surveys for Swainson’s hawk nest sites to determine the impacts to Swainson’s hawk and appropriate mitigation to reduce impacts to less-than-significant. CDFW recommends using the Swainson’s Hawk Technical Advisory Committee’s <i>Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley</i> (TAC Report) available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocols.</p> <p>To mitigate for the loss of Swainson’s hawk foraging habitat in a method consistent with the <i>Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks (Buteo swainsoni) in the Central Valley of California</i>, (CDFW 1994, (SWHA Staff Report), CDFW recommends the draft EIR incorporate the following language:</p> <ul style="list-style-type: none"> • For projects within one mile of an active nest tree (the SWHA Staff Report defines an active nest as used during one or more of the last five years), provide at least one acre of land for each acre of development authorized. • For Projects within five miles of an active nest tree, but greater than one mile from the nest tree, provide 	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 33

<p>at least 0.75 acres of land for each acre of development authorized.</p> <ul style="list-style-type: none"> • For Projects within 10 miles of an active nest tree, but greater than 5 miles from an active nest tree, provide at least 0.5 acres of land for each acre of development authorized. <p>CDFW recommends that Project-related disturbance within a minimum of 0.25 miles (and up to 0.5 miles depending on site-specific conditions) of active SWHA nest site should be reduced or eliminated during the critical phases of the nesting cycle (March 15 through September 15) in order to avoid significant impacts to SWHA. If Project activities must be conducted during this critical phase, then the Project should be required to apply for an Incidental Take Permit.</p>		
<p>Plant Guideline 1.1: Special-Status Plants</p> <p>For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends adding the following information to Plant Guideline 1.1:</p> <p><i>The Project shall complete two years of protocol-level botanical surveys and incorporate the results into a revised EIR. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. Surveys conducted during drought conditions may not be acceptable.</i></p> <p>In addition, the draft EIR should be revised to include all species of special-status plants that will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a copy of the botanical survey results and proposed Mitigation and Monitoring Plan to The Lead Agency with copy sent to CDFW. Based on the results of botanical surveys, a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants, including those with a rare plant ranking, are detected.</p>	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>

Katie Metraux
 Department of Parks and Recreation
 March 14, 2024
 Page 34

<p>Additional Measure: Crotch’s Bumble Bee</p> <p>CDFW recommends the draft EIR include an analysis of impacts to Crotch’s bumble bee and identify avoidance, minimization and mitigation measures based on the analysis to ensure impacts are reduced to a level of less than significant. CDFW also recommends that the draft EIR include a mitigation measure that requires focused surveys for the species to be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nests sites each year, therefore, focused surveys should be conducted each year that Project work activities will occur. Further guidance on presence surveys can be found within <i>Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</i> (https://wildlife.ca.gov/Conservation/CESA).</p> <p>CDFW recommends the Project be revised to indicate that within suitable habitat for Crotch’s bumble bee, the impact area should be divided into a sufficient number of units such that the entirety of the habitat is not impacted within the same year in order to provide refuge for special-status bumble bees during treatment activities and temporary retention of suitable floral resources proximate to the treatment area. Additionally, CDFW recommends that habitat removal (i.e. grading of floral resources) be conducted in a patchwork pattern to the extent feasible in occupied or suitable habitat, such that the entirety of the habitat is not removed and untreated portions of occupied or suitable habitat are retained.</p>	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>
<p>Additional Measure: East Alameda Conservation Strategy</p> <p>CDFW recommends the SVRA provide a thorough analysis for these impacts and discuss the mitigation that will be implemented consistent with the goal of the EACCS.</p>	<p>Prior to ground disturbance and ongoing</p>	<p>Project Applicant</p>