



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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March 6, 2026

Clint Elsholz, District Superintendent  
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Diablo Range District  
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**Subject: Carnegie State Vehicular Recreation Area Resource Management Area Program, Draft Environmental Impact Report, SCH No. 2023020424, Alameda and San Joaquin County**

Dear Clint Elsholz:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from the California Department of Parks and Recreation (Lead Agency) for the Carnegie State Vehicular Recreation Area Resource Management Area Program (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

**CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

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

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## REGULATORY AUTHORITY

### California Endangered Species Act

Please be advised that CDFW recommends obtaining a CESA Incidental Take Permit (ITP) if the Project has the potential to result in "take" of plants or animals listed under CESA, either 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*) and golden eagle (*Aquila chrysaetos*), 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 (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

**Objective:** The objective of the Resource Management Area (RMA) Program is to support responsible stewardship of the land by managing off-highway vehicle (OHV) use while maintaining OHV recreational opportunities for visitors of Carnegie State Vehicular Recreation Area (SRVA). The RMA Program allows control of sediment loss and erosion by reducing trail density, increasing vegetation cover, building and maintaining sustainable trails, limiting most OHV recreation to designated trails, and enforcing trails-only riding where designated.

The purpose of the Project is to establish new RMAs on the remaining 773 acres of unfenced distributed riding and trails-only riding areas in the SVRA hills and provide ongoing

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maintenance activities for the new and existing RMAs. Newly created RMAs comprise 167 acres of fenced distributed riding area and 606 acres of trails-only riding area. This will result in a net change of 200 acres of distributed riding area being converted to trails-only riding areas. With the proposed RMA Program project, the entirety of the 1,227-acre hillside riding area will be managed as RMAs.

Primary Project activities include installation of boundary fencing with gates at entry points, placement of signage, landform grading to remove unauthorized or unsustainable trails, hillside rehabilitation by adding soils to bring incised trails or eroded slope contours up to grade, cut and fill, discing, grading, compaction, hydroseeding, fencing, new temporary road creation and removal, new or redesigned trail construction, erosion control and erosion repair, revegetation, trail inspections and evaluations, and trail maintenance.

**Location:** Carnegie SRVA is located in the Diablo Range mountains of unincorporated eastern Alameda and western San Joaquin counties, approximately 15 miles east of the City of Livermore and 12 miles west of the City of Tracy. Lawrence Livermore National Laboratory property is to the north. Open space and rural residential areas (i.e., ranchland) surround the SVRA to the west and south. The entrance to the SVRA is off Coral Hollow Road, which becomes Tesla Road in Alameda County. The SVRA comprises 1,520 acres. The GPS coordinates for the administrative offices is Latitude 37.63738, -121.58920.

**Timeframe:** New RMAs and associated rehabilitation projects will be gradually implemented over an approximately 10-year time period. One to three RMAs are expected to be implemented each year.

**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 <sup>2</sup> 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>Bombus crotchii</i>	Crotch's bumble bee	CESA candidate endangered

<sup>2</sup> 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>).

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Scientific Name	Common Name	Status
<i>Buteo swainsoni</i>	Swainson's hawk	CESA listed as threatened
<i>Campanula exigua</i>	Chaparall harebell	S2, CRPR 1B.2
<i>Caulanthus Lemmonii</i>	Lemmon's jewelflower	S3; CRPR 1B.2
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SSC
<i>Delphinium californicum</i> spp. <i>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 lateralis eruyxanthus</i>	Alameda whipsnake	CESA listed as threatened, ESA listed as threatened
<i>Phrynosoma blainvilli</i>	Coast horned lizard	SSC
<i>Puma concolor</i>	Mountain lion	CESA listed as threatened
<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

CRPR = California Rare Plant Rank; ESA = Endangered Species Act, 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; and
- 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); and

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- 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 California Department of Parks and Recreation 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.

### I. Project Description and Related Impact Shortcoming

#### COMMENT 1: Crotch's Bumble Bee:

##### Mitigation Measure BIO-2A: Pre-construction Survey for Crotch's Bumble Bee

The Carnegie SVRA area is within the current known range of the Crotch's bumble bee. 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.

CDFW recommends that the following elements are added to the mitigation measure in a revised draft EIR to be more protective of Crotch's bumble bee.

CDFW recommends changing the mitigation measure to state that surveys shall be conducted each year Project activities occur. The mitigation measure states: "If the pre-construction surveys do not identify Crotch's bumble bee nests, no additional surveys and mitigation are required." Bumble bees can move nest sites each year so one year of surveys may not be sufficient to locate nests and reduce impacts to a less-than-significant level.

CDFW recommends planning vegetation/habitat removal such that impacts are planned to be divided into a sufficient number of units so that the whole of the habitat is not impacted in the same year. This will allow refuge, habitat, and floral resources to remain during work activities.

#### COMMENT 2: Mitigation Measure BIO-3A and 3c: Protection of Special-Status Amphibians and Reptiles

##### Western Pond Turtle

Western pond turtle 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. Additionally, western pond turtle can spend up to 200 days away from water, especially since ponds tend to dry down during summer months.

CDFW recommends adding the following information to a revised draft EIR for protection of western pond turtle. If nesting habitat for western pond turtle is found at a Project site, exclusion fencing shall be placed prior to egg-laying season (March through August). Exclusion fencing shall be designed to encompass the work site and maintained weekly until construction activities at the work site are completed. If a western pond turtle nest is found, a 100-foot no disturbance buffer shall be demarcated around the nest, and no work shall occur until the hatchlings have dispersed.

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## Alameda Whipsnake

BIO-3a and 3b discuss habitat assessment, flagging habitat features, conducting a pre-construction survey prior to ground-disturbing activities, monitoring ground-disturbing work if species are encountered in or near the work site during the habitat assessment or survey, adjusting or postponing work if species are found during work, allowing them to leave of their own volition, exclusion fencing, and rescheduling working times and locations. However, these actions are not specific to the behaviors of Alameda whipsnake to fully avoid or minimize impacts to them. CDFW recommends the following information is added to a revised draft EIR to fully minimize impacts to Alameda whipsnake to a less-than-significant level:

- Implement temperature restrictions conducive to Alameda whipsnake movement for all ground-disturbing work within suitable habitat to allow for snake dispersal. For vegetation removal work in Alameda whipsnake habitat, CDFW recommends that work occur during winter months, where feasible, when snakes are less active (Alvarez, 2021);
- A qualified biologist should survey ahead of all manual and mechanical work in suitable habitat areas;
- Work crews should be advised on where to broadcast wood chips to avoid 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;
- CDFW recommends that these Alameda whipsnake habitat types (annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian and areas with rock outcrop features) be mapped on the Project sites and Project impacts such as permanent destruction of habitat and permanent new roads and ongoing impacts from roadways be identified in a revised EIR; and
- The EIR should also address 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 less-than-significant level, feasible mitigation measures described above should be incorporated as enforceable conditions into the final CEQA document for the Project.

### **COMMENT 3: Mitigation Measure BIO-5 Special-status and Roosting Bat Protection**

CDFW recommends that the following elements are added to the mitigation measure in a revised draft EIR to be more protective of special-status bats.

Bat Colony Avoidance. If bat colonies are observed at the Project site at any time, all Project activities 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. If a maternity colony is found, there shall be no disturbance to the roost site until the young become volant (after August 31) because they are unable to fly. If a

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maternal colony is found after construction activities have begun, a no-work buffer area shall be established around the maternal roost.

Tree Removal Methodology. Any trees containing 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 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 or 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 4: Mitigation Measure BIO-7: American Badger Protection.**

CDFW recommends adding the following information into a revised draft EIR to fully avoid and minimize impacts to American badger.

CDFW recommends conducting preconstruction surveys for American badger no more than 7 instead of 14 days before ground-disturbing activities. Additionally, besides searching the work site for badger dens, the qualified biologist should also search for burrows, diggings, and other signs of activity. If a burrow/den is found, a survey should be performed daily prior to beginning ground-disturbing work. Pre-construction surveys should be repeated as necessary if ground-disturbing activities are delayed or postponed for more than seven days. If burrows or dens are observed within the Project area and within 100 feet of the Project footprint, the qualified biologist should monitor them for a minimum of 3 nights. If unoccupied, the den should be excavated by hand. If the burrow or den is determined to be active, a 100-foot no-work buffer should be established and monitored for 3 more nights to determine if it is a natal den. If it is a natal den, a 200-foot no-work buffer should be established around a natal den, and a 100-foot no-work pathway through suitable habitat should be established to ensure safe passage to and from the den around the work area. A qualified biologist should monitor the site during work to ensure breeding badgers are not impacted. Buffers shall be enlarged as necessary.

**COMMENT 5: Mitigation Measure BIO-9: Replacement of Sensitive Natural Communities.**

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. To reduce impacts to CESA-listed plants to less-than-significant, CDFW recommends revising the draft EIR by adding the following language:

*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*

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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.

## II. Editorial Comments and/or Suggestions

CDFW recommends adding the following measure to the revised draft EIR for the protection of wildlife:

*Erosion Control Material Limitation.* To minimize the risk of ensnaring snakes and other wildlife, Permittee shall not use erosion control materials containing synthetic (e.g., plastic or nylon) monofilament netting or cross joints in the netting that are bound/stitched. Geotextiles, fiber rolls, and other erosion control measures shall be made of loose-weave mesh, such as coconut (coir) fiber, or other products without welded or tight weaves.

## 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 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 California Department of Parks and Recreation in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Andrea Boertien, Environmental Scientist, at (707) 317-0388 or [Andrea.Boertien@wildlife.ca.gov](mailto:Andrea.Boertien@wildlife.ca.gov); or Sara Kern, Senior Environmental Scientist (Supervisory), at [Sara.Kern@wildlife.ca.gov](mailto:Sara.Kern@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
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Regional Manager  
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ec: Office of Land Use and Climate Innovation SCH No. 2023020424  
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## **REFERENCES**

Alvarez, Jeff, Jansen, D.S., Shaffer, Cyndy, and Didonato, Josheph. 2021. Observations on the Phenology of the Threatened Alameda Whipsnake. California Fish and Wildlife Journal.