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November 18, 2024

Mallika Ramachandran, Assistant City Engineer
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550
MRamachandran@livermoreca.gov

Subject: Arroyo Las Positas Flood Mitigation Project, Mitigated Negative Declaration, SCH No. 2024100852, City of Livermore, Alameda County

Dear Mallika Ramachandran:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration(MND) from the City of Livermore (Lead Agency) for the Arroyo Las Positas Flood Mitigation Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

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

[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.

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.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Livermore

Objective: The Project includes flood mitigation improvements to a stretch of Arroyo Las Positas which has a reduced channel capacity and is prone to flooding. The purpose of the project is to restore flow for a stretch of Arroyo Las Positas and improve water quality by increasing the adjacent riparian habitat and reducing sediment input resulting from flood events. Arroyo Las Positas flows from east to west through the center of the Project site, which includes portions of the Las Positas Golf Course and an undeveloped parcel to the east. Project elements would include expanding the channel flood bank; installing flood walls, flood berms, flood gates, and culverts; raising one golf cart path bridge; and relocating golf course features such as trees and golf cart paths. Construction work would require the removal of 116 riparian trees, which would be replaced at a 3:1 ratio.

Location: The Project is located in the City of Livermore. The approximately 40-acre Project site is bisected vertically by Airway Boulevard, which separates the eastern and western portions of the project site. The western portion of the site includes portions of the Las Positas Golf Course Parcel APNs include 904-000200600, 904-000405100, 904-000405200, and 904- 000405600. GPS coordinates are 37° 41' 48.4548" N and 121° 49' 29.1936" W.

Timeframe: Construction activities are anticipated to span about two years. Out-of-channel construction work for the Project must be completed by December 1, 2025 for a FEMA grant. Work associated with the floodplain bench expansion and installation of culverts is anticipated to commence May 1, 2026, and is expected to require six months to complete.

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.

I. Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or

special-status-species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 1: Nesting Birds

Construction work would require the removal of 116 riparian trees that could provide suitable nesting habitat for special-status and protected birds. Swainson's hawk (*Buteo swainsoni*) and white-tailed kite (*Elanus leucurus*) have potential to nest in eucalyptus and ornamental trees within the golf course and developed areas, and trees within riparian habitat. The willow and cottonwood trees within the riparian corridor of Arroyo Las Positas may provide suitable nesting habitat for yellow warbler. The grassland east of Airway Boulevard within the Project site provides suitable habitat for other Species of Special Concern (SSC), including grasshopper sparrow, burrowing owl, and loggerheaded shrike.

Potential direct impacts to nesting birds could occur from project removal of nest trees or shrubs and collapsing or disturbance to active nesting or over-wintering burrows. Potential indirect impacts could include nest abandonment from noise and visual disturbance. These effects could result in potentially significant impacts to special-status birds.

Recommended Mitigation Measure 1: Nesting Bird Surveys

MM BIO-4 in the MND currently requires a single survey within seven days of construction; and establishment of buffers.

CDFW recommends the qualified biologist adopt the following protocol. If Project-related work is scheduled during the nesting season (early January through early September), CDFW recommends that a qualified biologist with applicable species and habitat experience should conduct two surveys for active nests. No more than 14 days prior to the start of ground or vegetation disturbance a qualified biologist shall conduct a survey to establish a behavioral baseline for all identified nests. A final survey shall be conducted 48 hours prior to Project activities to maximize the probability that nests that could potentially be impacted are detected. Appropriate minimum survey buffer surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys shall be conducted at the appropriate times of day and during appropriate nesting times.

Recommended Mitigation Measure 2: Buffer Zones

MM BIO-4 currently requires a single survey within seven days of construction; and survey distances but relies on a qualified biologist establish avoidance buffers.

CDFW recommends adopting the following protocol for “no-disturbance” buffer. CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival.

COMMENT 2: Burrowing Owl

The burrowing owl is currently a candidate species under CESA and is afforded the same protection as CESA-listed species (CEQA Guidelines, §15380, subds.(b)). Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq.

The Project includes grassland and herbaceous vegetation that may be potential burrowing owl habitat. The MND notes that the grassland east of Airway Boulevard within the Project site provides suitable habitat for burrowing owl. Burrowing owl are also commonly found at golf courses such as in the Project area, and in general.

Burrowing owl were formerly numerous throughout the San Francisco (SF) Bay Area region, particularly in the interior east of the Bay. Based on the burrowing owl endangered species petition, the number of breeding burrowing owl pairs in the SF Bay area have declined from 165 in 1993 to less than 25 in 2023. Of the five primary threats it lists, the 2024 Burrowing Owl Petition identifies habitat loss, fragmentation, and degradation as the primary threat to burrowing owl in California.

Small, isolated colonies such as those that likely occur in the area are vulnerable to extirpation, especially without the influx of immigrants. Fragmented populations are at higher risk of extinction due to factors like reproductive isolation, inbreeding, and increased predation, and environmental factors such as drought or reduced prey density may further threaten these small populations.

Direct mortality could occur through crushing of adults or young within burrows, loss of nesting burrows, loss of nesting habitat, loss of foraging habitat resulting in reduced nesting success (loss or reduced health or vigor of eggs or young), nest abandonment, and reduced frequency or duration of care for young resulting in reduced health or vigor of young. Because of their highly specialized, ground-dwelling lifestyle and dependence on underground tunnels, burrowing owl are extremely vulnerable to direct and indirect impacts of grading, disking, tilling, earthmoving, burrow blockage, and eradication of ground squirrels.

Recommended Mitigation Measure 3: Burrowing Owl Avoidance

The MND should modify MM BIO-5 to state that if burrowing owl are detected during surveys within or near the Project area, a protective buffer in which construction

activities will be avoided will be established. Appropriate buffers typically have a 150 to 1,500-foot radius and vary depending on the level of disturbance and timing of construction. If the burrowing owl show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), the buffer distance should be increased. The Designated Biologist shall submit the results of the surveys, including a Burrow Complex Map to CDFW for approval prior to beginning Covered Activities. If changes in burrowing owl presence are detected (e.g., burrowing owl have moved on-site or changed burrow use), the Designated Biologist shall contact the CDFW Regional Representative by phone or email within 24 hours of the observation to consult on appropriate measures to avoid or minimize impacts of the Project. If a lapse in Project-related work of 14 calendar days or longer occurs, the Lead Agency shall contact the CDFW Regional Representative by phone or email and may be required to conduct additional surveys before work may be reinitiated.

The Designated Biologist shall visually inspect any pipes, debris piles, culverts, pallet stacks, burrow exclusion installations, or similar structures for burrowing owl before the material is moved, buried, or capped. The Designated Biologist shall inspect all open holes and trenches within the Project Area at a minimum of twice a day and immediately prior to backfilling. At the end of each workday, the Lead Agency shall place an escape ramp at each end of trenches or holes to allow any animals that may have become trapped in the trench or hole to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30-45 degrees. If any worker discovers that burrowing owl have become trapped, they shall halt Covered Activities and notify the Designated Biologist immediately. Project workers and the Designated Biologist shall allow the burrowing owl to escape unimpeded.

Recommended Mitigation Measure 4: Burrowing Owl Monitoring

The Designated Biologist(s) shall be present during construction activities to monitor the behavior of any burrowing owl. The Designated Biologist(s) shall have the authority to order stop work if burrowing owl exhibit distress and/or abnormal behavior for (e.g., excessive vocalizations, defensive flights at intruders, flushing frequently, or otherwise displaying agitated behavior). Permittee shall not resume activities until CDFW has been consulted by the Designated Biologist and both the Designated Biologist and CDFW confirm that the burrowing owl's behavior has normalized. CDFW, in consultation with the Designated Biologist(s), shall determine whether to increase the size of the no-disturbance buffer.

Recommended Mitigation Measure 5: Compensatory Mitigation

The MND should modify MM BIO-5 to remove reference to the use of an eviction as an avoidance and minimization strategy, as this will be considered take of the species, will require an Incidental Take Permit (ITP), and will likely require compensatory mitigation.

CDFW highly recommends that the Project proponent obtain take authorization from CDFW through issuance of an ITP if full avoidance of take during construction and/or operations is not feasible. The MND must include all biologically appropriate and feasible take avoidance measures. If permanent or temporary impacts of the proposed Project to burrowing owl foraging and/or nesting habitat cannot be completely avoided, the MND should include measures to minimize the impacts of construction on owls and their habitat, and effective compensatory mitigation to offset all habitat loss. A mitigation plan should be prepared in consultation with CDFW.

COMMENT 3: Tricolored Blackbird

Tricolored blackbird (*Agelaius tricolor*) is listed as threatened under CESA (CEQA Guidelines, §15380, subds. (c)(1)). Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq.

Tricolored blackbird breeds near fresh water, preferably in emergent wetlands with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, tall herbs. It feeds in grassland and cropland habitats. The Project area contains emergent marsh and willow, as well as ruderal grassland that may be used by the tricolored blackbird. Though California Natural Diversity Database (CNBBD) records of this species are from the 1980s and 1990s, records in eBird (http://ebird.org) from nearby property, Shadow Cliffs Recreation Area show instances of tricolored blackbird as recently as 2021.

Implementation of the proposed Project could result in loss of breeding and foraging habitats, nest abandonment, inability to reproduce, reduced reproductive success, loss or reduced health or vigor of eggs or young, and reduced frequency or duration of care for young resulting in reduced health or vigor of young.

Recommended Mitigation Measure 6: Habitat Assessment

CDFW recommends that a qualified biologist conduct a thorough habitat assessment in all potentially suitable nesting habitat for tricolored blackbird within the Project area and within 0.25-mile of surrounding lands. The Status Review for tricolored blackbird (CDFW 2018) identifies three resources required for successful breeding: 1) secure nesting substrate, 2) a source of water, and 3) foraging habitat that provides sufficient food resources. The majority of tricolored blackbird breeding colonies have occurred in one of five nesting substrate types: 1) wetland vegetation [either cattail (*Typha* sp.) or bulrush (*Schoenoplectus* sp.)], 2) Himalayan blackberry, 3) thistle, usually milk thistle (*Silybum marianum*) or bull thistle (*Cirsium vulgare*), 4) stinging nettle (*Urtica* sp.), or 5) agricultural grain fields. This information can be used to support the habitat assessment.

Recommended Mitigation Measure 7: Focused Surveys

Focused surveys for tricolored blackbird should be conducted in all suitable nesting habitat within 0.25-mile of the Project boundaries during the tricolored blackbird nesting season (March 1 through August 15) and no more than 30 days prior to the start of construction work. The qualified biologist should report any active tricolored blackbird nesting colonies to CDFW within 24 hours of the observation.

Recommended Mitigation Measure 8: Nest Protection Buffer

If an active tricolored blackbird nesting colony is found during surveys, the qualified biologist should establish an appropriate protective buffer of at least 0.25-mile during Project construction-related activities. The qualified biologist should document pre-construction baseline monitoring of the nesting colony to characterize "normal" bird behavior. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, the qualified biologist should increase the buffer size to prevent disturbance at the active nesting colony from Project construction-related activities. The qualified biologist may reduce the buffer in consultation with CDFW if there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance between the construction work and the active nest colony.

Recommended Mitigation Measure 9: Monitoring

The qualified biologist should monitor the behavior of any active tricolored blackbird nest sites within the buffer area at all times during construction-related Project activities and have the authority to stop construction work in the vicinity if the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young). Abnormal nesting behaviors which may cause reproductive harm include but are not limited to: defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, interrupted feeding patterns, and flying away from the nest. Project construction within line of sight of the nest should not resume until the qualified biologist has consulted with CDFW and both the qualified biologist and CDFW confirm that the bird's behavior has normalized, or the young have fledged and are foraging independently. If the qualified biologist continues to detect signs of disturbance or behavioral changes, the buffer should be increased. If the qualified biologist determines that the colony is still at risk, the qualified biologist should notify CDFW to determine the best course of action to avoid nest abandonment or take of individuals.

Recommended Mitigation Measure 10: Take Authorization

The Project proponent should obtain take authorization from CDFW through issuance of an ITP if full avoidance during construction and/or operations is not feasible.

Recommended Mitigation Measure 11: Compensatory Mitigation

As compensatory mitigation for any potential loss of nesting and/or foraging habitat, the MND should state that suitable habitat will be conserved or created and managed in perpetuity. Suitable habitat includes wetland or upland breeding habitat, of approximately one acre in size, that has associated foraging habitat (e.g. grassland, irrigated pasture, pesticide-free alfalfa, organic rice, or sunflower) of appropriate size (depending on insect abundance during the breeding season but estimated at a minimum of 100 acres), as described in the Tricolored Blackbird Habitat Management Recommendations Matrix, produced by the Tricolored Blackbird Working Group, 2016; or an alternative mitigation option approved by CDFW.

COMMENT 4: Crotch's Bumble Bee

The MND does not analyze potential impacts to Crotch's bumble bee (*Bombus crotchii*) which is currently a Candidate Endangered species under CESA. Bumble bees are critically important because they pollinate a wide range of plants over the lifecycles of their colonies, which typically live longer than most native solitary bee species. As a candidate species, unauthorized take of this species pursuant to CESA is a violation of California Fish and Game Code section 2080 et seq.

The Project will result in permanent impacts to grassland habitats, which may be suitable to support Crotch's bumble bee. Absence of or lack of specificity in occurrence locations should not be interpreted as absence of the species at or near a given site. The Project location is within the Crotch's bumble bee range (https://wildlife.ca.gov/Conservation/CESA) and grassland within and adjacent to the Project site may contain potential habitat for Crotch's bumble bee.

Direct mortality through crushing or filling of active bee colonies and hibernating bee cavities, reduced reproductive success, loss of suitable breeding and foraging habitats, loss of native vegetation that may support essential foraging habitat.

Recommended Mitigation Measure 12: Habitat Assessment

A habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bee feed. Further guidance on habitat surveys can be found

within *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (https://wildlife.ca.gov/Conservation/CESA).

Recommended Mitigation Measure 13: Survey Plan

If Crotch's bumble bee habitat is present within the Project area, the Project should include a pre-construction survey plan as a mitigation measure. The survey plan should be submitted to CDFW for review. Surveys should be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bee. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding (MOU) from CDFW.

Surveys should 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, 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).

Recommended Mitigation Measure 14: Crotch's Bumble Bee Avoidance or Take Authorization

If Crotch's bumble bee are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan should be developed and provided to CDFW for review prior to work activities involving ground disturbance or vegetation removal.

If full take avoidance is not feasible, CDFW strongly recommends that the MND state that the Project proponent will apply to CDFW for take authorization under an ITP.

Recommended Mitigation Measure 15: Herbicide Application

To minimize impacts to bumble bees, avoid the bloom periods for herbicide application and mowing activities. If this is not possible, CDFW recommends that the Project obtain take authorization under an ITP, pursuant to Fish and Game Code section 2081 subdivision (b).

Recommended Mitigation Measure 16: Compensatory Mitigation

CDFW recommends that the MND include compensatory mitigation for the loss of all suitable Crotch's bumble bee habitat. Bumble bee floral resources should be mitigated at a 3:1 ratio for permanent impacts in the absence of information regarding the compensatory mitigation site. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 600 feet of their original location, floral resources should be planted in the most centrally available location relative to identified

nests. This location should be no more than 4,900 feet (1.5-km) from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. The MND should state that mitigation lands will be protected in perpetuity under a conservation easement with an endowment established for long-term management of the lands.

COMMENT 5: Special-Status Plant Species

The Native Plant Protection Act (NPPA) (Fish & G. Code §1900 *et seq*.) prohibits the take or possession of state-listed rare and endangered plants, including any part or product thereof, unless authorized by CDFW or in certain limited circumstances. Take of state-listed rare and/or endangered plants due to Project activities may only be permitted through an ITP or other authorization issued by CDFW pursuant to California Code of Regulations, Title 14, section 786.9 subdivision (b).

Impacts to special-status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer 2009).

Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks (CNPS 2022) page for additional rank definitions.

The MND for the East Pleasanton Specific Plan noted that rare plants with the potential to occur in the Plan Area's non-native annual grassland areas include San Joaquin spearscale (*Extriplex joaquinana*) and Congdon's tarplant (*Centromadia parryi ssp. Congdonii*). The 2022 Biological Resources Assessment for the SCS Dublin Development Project, located ~2 miles from the Project area include survey data that found large patches of Congdon's tarplant (371 plants) and San Joaquin spearscale (345 plants) on-site in grasslands associated with seasonal wetlands, alkali scrub, and mesic upland areas.

Congdon's tarplant is an annual herb in the composite family (Asteraceae) that blooms from May to October (November). It typically occurs on alkaline soils, sometimes described as heavy white clay in valley and foothill grassland habitats.

San Joaquin spearscale is an annual herb in the goosefoot family (Chenopodiaceae) that blooms from April to October. It typically occurs in seasonal alkali sink scrub and wetlands in chenopod scrub, alkali meadow, and valley and foothill grassland habitat.

The MND states that Congdon's tarplant and San Joaquin spearscale are associated with open habitats underlain by alkaline soils, such as the slightly alkaline soils found east of Airway Boulevard within the Project site.

The Project could impact rare plants through additional grading, earth movement and degraded habitat. In addition to direct impacts, indirect impacts to special-status species could also occur, including habitat degradation as a result of impacts to water quality, introduction of non-native species, and increased human presence.

Recommended Mitigation Measure 17: Surveys and Buffers

Modify MM BIO-2 which requires a single protocol level survey to include the following addition of multiple surveys, and buffers. According to CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* the protocol botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Space botanical field survey visits throughout the growing season to accurately determine what plants exist in the Project area. This usually involves multiple visits to the Project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special-status plants are present. The timing and number of visits necessary to determine if special-status plants are present is determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which botanical field surveys are conducted.

To avoid indirect impacts to special-status plants, an appropriate buffer distance should be established between the special-status plant occurrence and the Project impact areas. Appropriate buffer distance should be based upon review of site-specific conditions (e.g. special-status plants located downstream or in lower elevational areas in relation to the impact location, special-status plants being down wind of earth moving activities, and other conditions).

Recommended Mitigation Measure 18: Compensatory Mitigation and Revegetation

Modify MM BIO-2 which requires seed banking and replanting at 1:1 ratio.

A review of protocol-level survey results should be conducted to establish appropriate compensatory mitigation ratios specific to each special-status plant species. Compensatory mitigation ratios should be developed based on the biological factors specific to each species and should be sufficient to compensate for the loss of those species.

All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan, to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success

criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management.

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 CNDDB. The CNNDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDB at CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (See 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 MND to assist Alameda County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Marcus Griswold, Senior Environmental Scientist (Specialist), at (707) 815-6451 or Marcus.Griswold@wildlife.ca.gov; or Jason Faridi, Senior Environmental Scientist (Supervisory), at (707) 339-0334 or Jason.Faridi@wildlife.ca.gov.

Sincerely,

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

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024100852)

Attachment 1: Special-Status Species and Commercially/Recreationally Important Species

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Biogeographic Information and Observation System (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Accessed November 6, 2024.

First Carbon Solutions. 2015. Environmental Impact Report East Pleasanton Specific Plan, City of Pleasanton, Alameda County, California. Available at: Microsoft Word - 42300001 Sec 00-01 Title Page.doc (cityofpleasantonca.gov)

WRA, Inc. 2022. Biological Resources Assessment SCS Dublin Development Project. Available at: https://dublin-development.icitywork.com/wp-content/uploads/2022/07/Appendix_C-1_Biological_Resources_Assessment_5-22.pdf

ATTACHMENT 1: Special-Status Species

Species	Status
Fish and Invertebrates	
Crotch's bumble bee (*Bombus crotchii*)	State candidate (SC)
Birds	
burrowing owl (*Athene cunicularia*)	SC
Golden eagle (*Aquila chrysaetos*)	Fully Protected (FP)
Grasshopper sparrow (*Ammodramus savannarum*)	Species of Special Concern (SSC)
Loggerhead shrike (*Lanius ludovicianus*)	SSC
Swainson's hawk (*Buteo swainsoni*)	SSC
tricolored blackbird (*Agelaius tricolor*)	State Threatened (ST), SSC
Yellow warbler (S*etophaga petechia*)	SSC
white-tailed kite (*Elanus leucurus*)	FP
Mammals	
American badger (*Taxidea taxus*)	SSC
pallid bat (*Antrozous pallidus*)	SSC
Townsend's big-eared bat (*Corynorhinus townsendii*)	SSC
Reptiles and Amphibians	
California red-legged frog (*Rana draytonii*)	Federally Threatened (FT), SSC
western pond turtle (*Emys marmorata*)	Proposed FT, SSC
Plants	
Congdon's tarplant (*Centromadia parryi ssp. congdonii*)	S2, 1B.1
San Joaquin spearscale (*Extriplex joaquinana)*	S2, 1B.2