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Subject: Berkeley Water Transportation Pier Ferry Environmental Impact Report SCH # 2025040995

Dear Liza McNulty:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Berkeley for the Berkeley Water Transportation Pier Ferry (Project) pursuant to 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. Additionally, CDFW is responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

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

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. CDFW requires a Lake and Streambed Alteration Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. 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 wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements.

Likewise, to the extent implementation of the Project 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 Berkeley

Objective: The objective of the Project is to replace the Berkley Pier with a new publicly accessible pier, breakwater, and ferry terminal. The proposed project would include construction of a new 1,080-foot pier, a 400-foot breakwater, and ferry boarding infrastructure. There would be development of a new public plaza at the pier entrance; improvements along University Avenue and Seawall Drive including a raised cycle track, new pedestrian amenities, and upgraded transit facilities. The project also included renovation of existing parking areas with permeable pavement and potential solar canopies, as well as installation of new utility connections, shoreline repair, and dredging to support ferry operations. Primary Project activities include removal of the old Pier structures, installation of new concrete piles, and the installation of a breakwater. On land, the project will consist of utility trenching, demolition of hardscapes, and repaving roads and parking areas.

Location: The Project is located within the City of Berkeley at the waterfront near the Berkeley Pier and includes the adjacent land along Seawall Drive and University Avenue (37°51'40.3"N, 122°19'00.3"W).

Timeline: April 2027 to December 2028.

STATE AND FEDERALLY LISTED AND COMMERCIAL/RECREATIONALLY IMPORTANT SPECIES

Protected species under the State and Federal Endangered Species Acts that could potentially be

present near Project activities include:

- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Central Valley Spring-run), state and federally endangered (Sacramento River Winter-run), state species of special concern (Central Valley Late Fall Run, Central Valley Fall Run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast evolutionary significant units)
- Green sturgeon (*Acipenser medirostris*), federal threatened (Southern Distinct Population Segment)
- White sturgeon (*Acipenser transmontanus*), state candidate species
- Pacific lamprey (*Entosphenus tridentatus*), state species of special concern
- California Least tern (*Sternula antillarum browni*), state and federally endangered, state fully protected
- White-tailed kite (*Elanus leucurus*), state fully protected
- Crotch's bumble bee (*Bombus crotchii*), state candidate species
- Burrowing owl (*Athene cunicularia*)
- Western pond turtle (*Actinemys marmorata*), federally threatened

Several species with important commercial/recreational fisheries value and habitat value for spawning and rearing could potentially be present near Project activities. These include: Eelgrass (*Zostera marina*), Dungeness crab (*Metacarcinus magister*), California halibut (*Paralichthys californicus*), Pacific herring (*Clupea pallasii*), Rockfish (*Sebastes spp.*), Surfperches (*Embiotocidae*).

Lake and Streambed Alteration

CDFW requires a Lake or Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. 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 wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

Fully Protected Species

Fully Protected Species (Fish & G. Code § 3511 and 4700) have the potential to occur within or adjacent to the Project area, including, but not limited to: white-tailed kite (*Elanus leucurus*), and California least tern (*Sternula antillarum browni*) (LETE).

Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- 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
- 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 Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15).

CDFW also recommends the DEIR analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization and mitigation measures will reduce indirect impacts to fully protected species. Project proponents should consult with CDFW early in the Project planning process.

MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Berkeley 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 clarity of the document.

I. Project Level Impacts and Other Considerations

Mitigation Measures BIO-1 and BIO-3

Comment: The proposed Project includes using both a vibratory driving and impact hammer to drive up to 416 piles that range from concrete sheet piles to 24"-36" diameter steel and concrete piles. Mitigation Measure BIO-1 is broken up into multiple sections with measures to avoid and or minimize impacts to aquatic species from pile driving, including through implementation of worker education, special status species surveys, work windows, and hydroacoustic attenuation. However, Mitigation Measure BIO-1 does not address potential compensatory mitigation to offset hydroacoustic impacts to aquatic species from pile driving.

Additionally, the proposed Project would have an estimated net increase in cover area of 17,050 square feet, or approximately 0.39 acres. The proposed Mitigation Measure BIO-3 proposes to offset this increase of cover by removing additional existing decking and piles from the defunct wharf at a 1:1 ratio. However, this ratio may not be sufficient to offset the potential impacts to state listed species based on the impacts of the proposed Project.

The increase in fill and cover from the proposed pier and ferry dock, in addition to the impacts from increased underwater sound during construction and new work dredging may require an increased ratio to appropriately offset the impacts to state listed species that will be considered under CDFW's authorization of the Project.

Recommendation: CDFW recommends adding a section to Mitigation Measure BIO-1 to address compensatory mitigation to offset impacts from pile driving, particularly hydroacoustic impacts to species. CDFW also recommends that the final EIR consider a total mitigation ratio of 3:1, if fill removal is chosen to mitigate for the Project's impacts, to offset loss of species habitat and impacts from underwater sound. Additionally, mitigation credits, from a CDFW approved mitigation bank, may serve as an appropriate alternative mitigation option.

Dredging

Comment: The Project includes a proposal to dredge approximately 400,000 cubic yards from the unmaintained federal navigation channel adjacent to the pier to allow ferry access. The DEIR is not clear about who will conduct the dredging and whether this will be initially dredged and then

maintained by the U.S. Army Corps of Engineers as a federal navigational channel or whether the City of Berkeley will be responsible.

Additionally, it is CDFW's understanding that there has been substantial time between dredging events at this location and the initial 400,000 cubic yards of material would be considered a new dredging event. The DEIR lacks detail on the potential impacts to aquatic species and their habitat from this new dredging and how those impacts may be offset.

Recommendation: CDFW recommends the final EIR clearly describe who will be responsible for dredging and maintaining the navigation channel and how the impacts of conducting this new work dredging will be offset.

Crotch's Bumble Bee

Comment: The DEIR states that Crotch's bumble bee (*Bombus crotchii*) have the potential to occur on the Project site but it does not state avoidance and minimization measures to reduce potential impacts to less-than-significant.

The Project location is within the Crotch's bumble bee range (<https://wildlife.ca.gov/Conservation/CESA>) and grassland adjacent to the Project site may contain potential habitat for Crotch's bumble bee. 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 activities may result in the loss of nesting and foraging habitat for Crotch's bumble bee, and potentially the loss of individuals in nests due to crushing by construction personnel or equipment, excavation, and placement of soil stockpiles. Additionally, Project activities may result in 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 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 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 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 DEIR state that the Project proponent will apply to CDFW for take authorization under an ITP.

Recommended Mitigation Measure 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).

Western Pond Turtle

Comment: The DEIR states that Western Pond Turtles have been observed at the parks and ponds around the project site. The DEIR states that if a western pond turtle is found on site, a qualified biologist will capture and relocate the individual.

The Western Pond Turtle (*Actinemys marmorata*) is a native, protected species in California. Under California Code of Regulations Title 14, Section 40 (b) The live capture and release of native reptiles and amphibians done to avoid such death or injury may occur only with CDFW's written approval.

Recommended Mitigation Measure: CDFW recommends that BIO-1 state that if a Western Pond Turtle is found in the construction area, CDFW shall be contacted for guidance.

Burrowing Owl

Comment: The DEIR states that burrowing owls (*Athene cunicularia*) are unlikely to be affected by the project due to the low potential to occur on the project site. However, a 2025 occurrence of burrowing owl is noted 0.7 miles north of the Project area in CNDDDB.

The burrowing owl is currently a candidate species under CESA and is afforded the same protection as a CESA-listed species (CEQA Guidelines, §15380, subs. (b)). Unauthorized take of this species pursuant to CESA is a violation of Fish and Game Code section 2080 et seq. The mitigation measures in BIO-1(c) may not be sufficient to avoid impacts to burrowing owls as they do not address the potential for occurrence.

Recommended Mitigation Measure: The DEIR should modify BIO-1 to state that if burrowing owls are detected during surveys within or near the Project area, a protective buffer will be established to ensure construction activities will not impact the burrowing owl or their habitat. 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 onsite 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 owls 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 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 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 DEIR 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 DEIR 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.

Nesting Bird

Comment: The surveys and avoidance buffers proposed by mitigation measure BIO-1(c) may not be sufficient to reduce impacts to nesting birds to less-than-significant levels.

Project activities, including grading, ground disturbance, operation of heavy machinery, increased foot traffic, and the movement of workers, may generate noise or visual disturbances which may in turn result in nest abandonment, reduced reproductive success, loss, or reduced health or vigor of eggs or young. Grading, tree removal, and vegetation removal may also result in direct take of nesting birds.

Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the MBTA is a violation of Fish and Game Code (§ 3503, 3503.5, 3513). CNDDDB indicates that white-tailed kite and northern harrier may occur within the Project site. White-tailed kite is a Fully Protected species (Fish & G. Code § 3511), and this status qualifies them as rare, threatened, or endangered pursuant to CEQA Guidelines § 15380. To reduce impacts to nesting birds, including white-tailed kite and northern harrier, CDFW recommends modifying BIO-1(C) to reflect the following measures.

Recommended Mitigation Measure: To the extent feasible, Project activities shall be conducted outside of the bird nesting season (typically February 1–September 15, and as early as January 1 for raptors). If Project activities cannot happen outside of bird nesting season a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to the commencement of Project-related activities to identify active nests that could be impacted by construction, and a second focused survey shall be conducted with 48 hours of Project commencement. If Project activities lapse for a period longer than seven days, a focused survey shall be conducted before activities recommence. The preconstruction nesting bird survey shall include Project boundaries, including any temporary disturbance areas, and where no established

survey protocol exists, CDFW recommends the following minimum survey radius: (1) 250 feet for Passerines, and (2) 1,000 feet for raptors. If active nests are found, a no-disturbance buffer shall be established around the nest. A qualified biologist, in consultation with CDFW, shall establish a buffer distance. The following nest avoidance buffers are recommended: (1) 250 feet for passerines, (2) 1,000 feet for raptors, and (3) 0.5 mile for golden eagle. The buffer shall be maintained until the nestlings have fledged (e.g., are capable of flight and become independent of the nest), to be determined by a qualified biologist. The avoidance buffer can be removed, and no further measures are necessary once the young have fledged or the nest is no longer occupied, as determined by a qualified biologist.

California Least Tern

Comment: The DEIR states that LETE are not expected to occur within the project site. However, LETE has been recorded adjacent to the project site according to CNDDDB unprocessed data. Despite the existence of suitable nesting habitat and potential for LETE to nest or forage adjacent to Project and staging areas, the DEIR does not include analysis on the potential for the Project to significantly impact LETE, nor does it include measures to avoid, minimize or mitigate potentially significant impacts to LETE.

LETE are CESA and federal Endangered Species Act (ESA) endangered and state fully protected species. Populations of LETE nest along the West coast of North America from Baja California north to the San Francisco Bay and establish nesting colonies on sandy soils with little vegetation along Pacific Ocean beaches, lagoons and bays (USFWS 1980). LETE were once widespread and abundant, but increasing human disturbance to sandy beaches, hunting for the millinery trade, and increasing predator populations caused the population to undergo a major decline in the early 1900s (USFWS 2006). LETE nesting occurs between April 15 and late September, and successful development and growth of chicks requires habitat free of human disturbance, protection from avian and mammal predators, and proximity to aquatic foraging habitat. LETE have high site fidelity and return to nesting areas year after year. This species is highly sensitive to human disturbance and will readily abandon nesting areas if disturbed.

Project activities could impact LETE in the short term due to generation of noise from construction equipment, groundwork, and operation and movement of equipment and workers that would have the potential to disturb LETE foraging, roosting, and nesting. Direct mortality of LETE could occur through nest abandonment, resulting in reduced reproductive success (loss or reduced health or vigor of eggs or young).

Recommended Mitigation Measure: A CDFW-approved biologist, in coordination with CDFW, shall conduct breeding and occupancy surveys for LETE in all suitable habitats within and adjacent to the Project area during the LETE nesting season (April 15- September 15) prior to each year of construction to determine whether LETE are present.

If LETA are found in suitable habitat near the Project site, appropriate buffers shall be incorporated to avoid and minimize impacts to LETA. A 700-foot no-work buffer shall be implemented between construction activities and any current-year breeding LETA detections. Noise-reducing modifications to equipment as well as portable acoustic barriers/blankets placed near noise sources may be appropriate to reduce auditory and visual impacts to breeding shorebirds. A qualified avian biologist shall advise and support buffer establishment in consultation with CDFW. Fully protected species such as LETA may not be taken or possessed at any time. The qualified biologist shall also be on-site during all Project activities to ensure that fully protected species impacts are avoided by all Project activities.

If breeding and occupancy surveys demonstrate that LETA utilize any habitat in the Project area that would be temporarily or permanently impacted by Project development, the Project shall develop a Least Tern Mitigation and Monitoring Plan in coordination with CDFW, which shall outline actions the Project will take to avoid impacts to LETA and their habitat. These actions could include:

- 1) Establishing protected areas within the Project area for LETA nesting, prior to Project impacting existing nesting habitat;
- 2) Creating a monitoring program to assess LETA populations within existing and/or established protected areas and restored habitat in the Project area;
- 3) Incorporating other methods for promoting LETA resiliency on lands within the Project area; and
- 4) Identifying and implementing metrics for assessing success of the Least Tern Mitigation and Monitoring Plan.

II. Editorial Considerations

Comment: On page 2-6 (Section 2.5.1- Waterside) makes two references to Section 2.7.2 as the section in which piles for the pier and breakwater are discussed. In the DEIR, Section 2.7.2 is specific to energy and consumption. The final EIR should revise this reference to appropriately direct reviewers to Section 2.6.1 – Construction Activities and Equipment in which specific details related to proposed piles are discussed.

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 found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/SubmittingData#44524420-pdf-field-survey-form>. The

completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City of Berkeley in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist, at R7CEQA@wildlife.ca.gov and Chad Rynearson, Environmental Scientist, at Chad.rynearson@wildlife.ca.gov.

Sincerely,



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REFERENCES

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