



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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October 16, 2025

Kim Thai, Senior Planner
 East Bay Regional Park District
 2950 Peralta Oaks Court
 Oakland, CA 94605
KThai@ebparks.org

Subject: North Point Isabel Park Resilience Project, Initial Study Mitigated Negative Declaration, SCH 2025090912, Contra Costa County

Dear Kim Thai:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Initial Study Mitigated Negative Declaration (IS/MND) from East Bay Regional Park District (EBRPD) for the North Point Isabel Park Resilience Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the originally circulated IS/MND.

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

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.

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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.

REGULATORY AUTHORITY

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either 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.

California Fully Protected Species

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; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish and Game Code, §§ 3511, 4700, 5050, & 5515).

The Project has the potential to impact Ridgway's rail (*Rallus obsoletus*), a California fully protected and CESA listed as endangered species, as further described below. The Project also has the potential impact the fully protected salt marsh harvest mouse (*Reithrodontomys raviventris*).

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

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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). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: EBRPD

Objective: The objective of the Project is to improve the Project site's resilience to sea level rise by enhancing the existing remedial cap to provide long-term, sustainable recreational use of the park through effective grading, drainage, and planting to prevent soil erosion. The Project requires approximately 72,500 cubic yards of new fill and 26,500 square feet of rip rap to be placed on top of the existing soil surfaces and rock slopes to raise the elevation of the perimeter trail and the rock slope protection. To remediate the degraded landfill cap, a geomembrane liner would be installed under the new perimeter trail and swale to encapsulate the previously placed lead-impacted soils beneath the cap. The geomembrane would also be installed under locations where new rip rap is placed over the new fill. During placement of the new fill, the surface of the landfill would be graded for erosion control and to improve drainage to existing stormwater flow catch basins. Construction equipment associated with the proposed project could include a paver, roller, flatbed truck, front end loader, dump truck, backhoe, grader, and compactor.

Location: The Project is located within the McLaughlin Eastshore State Park in the City of Richmond, State of California, 94804. Approximate GPS Coordinates: Latitude: 37.90403, Longitude: -122.32204.

Timeframe: Approximately 6 to 24 months in duration depending on weather and soil source availability.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented in **Attachment A** to assist EBRPD 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 in **Attachment A** to improve the document.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT 1: Nesting Birds (General)

Mitigation Measure BIO-4 does not include an adequate survey radius relative to nest sites or nest trees that could prevent potential impacts to species with respect to

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raptors. The measure does not provide adequate details about nest monitoring timeline and requirements to ensure the qualified biologist does not miss signs of disturbance and/or distress. Without an adequate protocol specified, Project related impacts to nesting birds could lead to significant impacts to nesting birds including but not limited to nest abandonment, nest failure, impacts to availability of forage, chick mortality and resultant population decline.

To Reduce Impacts to Less-Than-Significant: CDFW recommends the IS/MND replace Mitigation Measure BIO-4 with the following revised language to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.

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

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

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

COMMENT 2: Burrowing Owl

Burrowing owl (*Athene cunicularia*) is currently a candidate species under CESA and is afforded the same protection as a 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 IS/MND indicates that the Project could result in the temporary loss of potential foraging habitat for burrowing owl that use the study area for overwintering. One observation of burrowing owl has been detected directly adjacent to proposed project activities within riprap, and a second observation was cited in November 2023 perched on top of a burrow within the Project boundary (California Natural Diversity Database [CNDDB], accessed October 2025). While the IS/MND implements BIO-5, which provides a buffer requirement of 150 meters as a starting point, CDFW recommends using adequate buffer distances described in the Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>). Without adequate no-work buffers and other protections, direct and/or indirect impacts to burrowing owl are likely to occur.

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. This could occur due to excavation for placement of modules, excess noise and disturbance, and earth moving equipment. 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.

To Reduce Impacts to Less-Than-Significant:

Burrowing Owl Buffers

CDFW recommends amending Mitigation Measure BIO-5 to reflect the buffer distances described in the Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>).

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Burrowing Owl Monitoring

CDFW recommends adding a Mitigation Measure with the following language:

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 owls exhibit distress and/or abnormal behavior for (e.g., excessive vocalizations, defensive flights at intruders, flushing frequently, or otherwise displaying agitated behavior).

Burrowing Owl Avoidance or Take Authorization

CDFW recommends that the Project proponent obtain take authorization from CDFW through issuance of an ITP if full avoidance of burrowing owl and occupied burrow complexes during construction and/or operations is not feasible. The IS/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 IS/MND should include measures to minimize the impacts of construction on owls and their habitat, and effective compensatory mitigation to offset all habitat loss.

COMMENT 3: Ridgway's Rail

The IS/MND acknowledges that Ridgway's rail has been observed within Hoffman Marsh directly adjacent to the project site and includes Mitigation Measure BIO-6 addressing noise impacts through construction of a sound barrier and implementing 50-foot construction buffers. The 50-foot buffer may not be adequate to prevent impacts to the species even with the sound barrier. It is unclear how 50-feet was determined to be the appropriate starting point buffer for Ridgway's rail impact avoidance. Operation of heavy equipment and associated activities may cause breeding rails to temporarily or permanently leave the site. Construction activities may include the temporary or permanent installation of fencing, posts, poles, or other structures that may provide perching opportunities for avian predators of Ridgway's rails. Nest abandonment or reduced frequency or duration of care for young, as well as decreased time spent foraging and roosting, resulting in reduced health or vigor of all life stages may occur as a result of Project construction activities.

Ridgway's rail is a state fully protected species. Loss of emergent saline wetland habitat and upland refugia in and adjacent to the San Francisco Bay has contributed to declines in local populations of both rail species. Project impacts may further population declines of these species, including cumulative impacts resulting in the restriction of their range.

To Reduce Impacts to Less-Than-Significant: CDFW recommends incorporating the following mitigation measures to address impacts to Ridgway's rail.

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Rail Surveys

CDFW recommends following the *2015 California Clapper Rail Survey Protocol* (<https://www.fws.gov/media/california-ridgways-clapper-rail-survey-protocol>) each year of construction in all suitable habitat within the Project. This protocol is recommended for conducting presence/absence surveys of California Ridgway's rail prior to Project construction (as opposed to other available protocols that may be more suitable for long-term monitoring purposes).

Rail Buffers

The IS/MND should disclose and assess an appropriate buffer. Without additional noise reducing modifications, a 700-foot no-work buffer is to be implemented between the location of construction activities and any current-year breeding rail detections, if construction cannot be avoided during the rail breeding season. The determined no-work buffers should be clearly marked with fencing or flagging to exclude workers from entering the no-work zone. Note that these features may be appropriate regardless of time of year to minimize impacts to foraging rails as well.

Authority to Stop Work

The IS/MND should include language that specifies that the Qualified Biologist will have authority to stop work any time construction activities appear to cause disturbance to nesting rails (e.g., rails vocalize or fly away from a nest) or an active rail nest is found.

Avoid Predator Perching Structures

The IS/MND should include language that strives to avoid the temporary or permanent construction of features that may provide perching opportunities for avian predators. If needed for the Project, such features may be retrofitted with anti-perching devices to reduce the likelihood that avian predators will use them to perch.

COMMENT 4: Crotch's Bumble Bee

CDFW recognizes that the IS/MND addresses the potential to impact Crotch's bumble bee (*Bombus crotchii*) and provides Mitigation Measure BIO-7. This measure includes language that allows floral resources within the project's disturbance footprint to be carefully removed by the contractor with handheld tools to minimize foraging bee presence during project activities even if there are foraging Crotch's bumble bee found. There is still a risk of take of individual Crotch's bumble bee regardless of whether a nest has been discovered.

To Reduce Impacts to Less-Than-Significant: CDFW recommends replacing or amending the current IS/MND BIO-7 Mitigation Measure.

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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>).

Survey Requirements

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>).

Crotch's Bumble Bee Avoidance or Take Authorization

If Crotch's bumble bee is detected during pre-construction surveys, whether or not a nest is detected, 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 recommends that the IS/MND state that the Project proponent will apply to CDFW for take authorization under an ITP.

Compensatory Mitigation

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CDFW recommends that the IS/MND include compensatory mitigation for the loss of all suitable Crotch's bumble bee habitat. Bumble bee floral resources should be mitigated at a minimum of 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-kilometers [km]) from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. The IS/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 Plants

Page 13 of the IS/MND states that a reconnaissance-level site visit was conducted on January 16, 2024 to assess the potential for special-status plant species. The timing of the survey conducted was not during the appropriate bloom period for special-status species with the potential to occur onsite. Additionally, it is unclear what protocol the Qualified Botanist and Qualified Biologist used when conducting the survey. 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.

Appropriate methodologies for species detection should be clearly outlined and conducted well in advance of the anticipated start of construction. If CESA listed plants that may be impacted by the Project go undetected, the Project may result in mortality from direct impacts or degradation of habitat adjacent to ground disturbance.

To Reduce Impacts to Less-Than-Significant:

Protocol-Level Surveys

CDFW recommends the IS/MND be revised to add a new mitigation measure with the following language:

The Project shall complete two years of protocol-level botanical surveys and incorporate the results into a revised IS/MND. 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 offsite hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above

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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. If the botanical surveys result in the detection of 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.

The IS/MND should be revised to include all species of special-status plants that will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a copy of the special-status plant survey results and proposed Mitigation and Monitoring Plan to CDFW for review and acceptance. Additionally, a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants, including those with a rare plant ranking, are found during surveys.

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 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

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CDFW appreciates the opportunity to comment on the IS/MND to assist EBRPD in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Mia Bianchi, Senior Environmental Scientist Specialist, at Mia.Bianchi@wildlife.ca.gov; or Sara Kern, Senior Environmental Scientist (Supervisory) at Sara.Kern@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

California Department of Fish and Wildlife (CDFW). 2025. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA. Website <https://wildlife.ca.gov/Data/BIOS> [accessed 6 October 2025].

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
BIO-4 Nesting Birds	<i>Construction work should take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of the Migratory Bird Treaty Act or Fish and Game Code. A qualified biologist shall conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys will be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for Passerines; (2) and 1,000 feet for raptors such as Buteo spp. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.</i> <i>Active Nest Buffers. Active nest sites and protective buffer zones shall be designated as “ecologically sensitive areas” where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist will determine the necessary buffer, in consultation with CDFW if needed, to protect nesting birds based on existing site conditions, such as</i>	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	<i>construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.</i> <i>Active Nests. A qualified biologist shall observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of the adults and any nestlings. Once Project activities commence, all active nests shall be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt Project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.</i>		
BIO-5 Burrowing Owl	A Designated Biologist shall conduct at least two surveys using the methods described in the Staff Report on Burrowing Owl Mitigation, dated March 7, 2012 (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). A 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. A 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. <i>Recommended Measure: Burrowing Owl Monitoring</i> CDFW recommends adding a Mitigation Measure with the following language: <i>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 owls exhibit distress and/or abnormal behavior for (e.g., excessive vocalizations, defensive flights at intruders,</i>	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	<i>flushing frequently, or otherwise displaying agitated behavior).</i> <i>Burrowing Owl Avoidance or Take Authorization</i> CDFW recommends that the Project proponent obtain take authorization from CDFW through issuance of an ITP if full avoidance of burrowing owl and occupied burrow complexes during construction and/or operations is not feasible. The IS/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 IS/MND should include measures to minimize the impacts of construction on owls and their habitat, and effective compensatory mitigation to offset all habitat loss.		
BIO-6 Ridgway's Rail	<i>Rail Surveys</i> CDFW recommends following the <i>2015 California Clapper Rail Survey Protocol</i> (https://www.fws.gov/media/california-ridgways-clapper-rail-survey-protocol) each year of construction in all suitable habitat within the Project. This protocol is recommended for conducting presence/absence surveys of California Ridgway's rail prior to Project construction (as opposed to other available protocols that may be more suitable for long-term monitoring purposes). <i>Rail Buffers</i> The IS/MND should disclose and assess an appropriate buffer. Without additional noise reducing modifications, a 700-foot no-work buffer is to be implemented between the location of construction activities and any current-year breeding rail detections, if construction cannot be avoided during the rail breeding season. The determined no-work buffers should be clearly marked with fencing or flagging to exclude workers from entering the no-work zone. Note that these features may be appropriate regardless of time of year to minimize impacts to foraging rails as well. <i>Authority to Stop Work</i> The IS/MND should include language that specifies that the Qualified Biologist will have authority to stop work any time construction activities appear to cause disturbance to nesting rails (e.g., rails vocalize or fly away from a nest) or an active rail nest is found.	Prior to Ground Disturbance and for Duration of Construction	Applicant

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	<i>Avoid Predator Perching Structures</i> The IS/MND should include language that strives to avoid the temporary or permanent construction of features that may provide perching opportunities for avian predators. If needed for the Project, such features may be retrofitted with anti-perching devices to reduce the likelihood that avian predators will use them to perch.		
BIO-7 Crotch's Bumble Bee	<i>Habitat Assessment</i> 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 <i>Bombus</i> 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 <i>Bombus</i> 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). <i>Survey Requirements</i> 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	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	Endangered Species Act (CESA) Candidate Bumble Bee Species https://wildlife.ca.gov/Conservation/CESA. <i>Crotch's Bumble Bee Avoidance or Take Authorization</i> If Crotch's bumble bee is detected during pre-construction surveys, whether or not a nest is detected, 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 recommends that the IS/MND state that the Project proponent will apply to CDFW for take authorization under an ITP. <i>Compensatory Mitigation</i> CDFW recommends that the IS/MND include compensatory mitigation for the loss of all suitable Crotch's bumble bee habitat. Bumble bee floral resources should be mitigated at a minimum of 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 IS/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.		
Additional Measures: Special-Status Plants	Appropriate methodologies for species detection should be clearly outlined and conducted well in advance of the anticipated start of construction. If CESA listed plants that may be impacted by the Project go undetected, the Project may result in mortality from direct impacts or degradation of habitat adjacent to ground disturbance.	Prior to Ground Disturbance	Project Applicant