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February 17, 2026

Suzanne Wilson, Senior Planner
East Bay Regional Park District
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Subject: Wildcat Canyon Regional Park Bike Trail Project, Notice of Preparation of an Environmental Impact Report, SCH No. 2026010604, Contra Costa County

Dear Suzanne Wilson:

The California Department of Fish and Wildlife (CDFW) has reviewed the East Bay Regional Park District's Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Wildcat Canyon Regional Park Bike Trail 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 fish and wildlife resources of the State. Please be advised, by law, that CDFW may be required to carry out or approve aspects of the project through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing the East Bay Regional Park District, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

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.) For purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency

[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.

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 over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW 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. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and 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 Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an 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.

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: East Bay Regional Park District

Objective: The objective of the Project is to develop an EIR based on the results of an Initial Study to support the development of a new 1.44 mile directional mountain bike-only trail within Wildcat Canyon Regional Park. Objectives include: reduce and avoid impacts to natural resources and known cultural resources, provide access and opportunities for a variety of mountain biking skill levels including youth mountain biking programs, allow directional bike only access to alleviate congestion, increase safety and reduce conflicts, use sustainable design elements to minimize operation and trail management burden. The Project will address existing demand for biking trails at Wildcat Canyon Regional Park and will reduce user conflicts in the regional park. The proposed trail is located on an open ridge-top with non-native and grazed grasses as the dominant vegetation present.

Location: The Project is within Wildcat Canyon Regional Park, City of Richmond, Contra Costa County, 5755 McBryde Avenue, and 37.9570004, -122.3161910.

Timeframe: Construction targeted for 2026.

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information.

- Land use changes resulting from, for example, rezoning certain areas.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City of Richmond or Contra Costa County may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Scientific Name	Common Name	Status
Amphibians		
Rana draytonii	California red-legged frog	SSC, FT
Rana boylii	Foothill yellow-legged frog – central coast DPS	SE, FT
Spea hammondii	Western spadefoot	FPT, SSC
Multiple species	Native amphibians	
Birds		
Accipiter cooperii	Cooper's hawk	SSC
Elanus leucurus	White-tailed kite	FP
Multiple species	Native birds	
Fish		
Oncorhynchus mykiss	Steelhead (Central California Coast DPS and Central Valley DPS)	FT, SSC
Multiple Species	Native Fish	
Invertebrates		
Bombus occidentalis	Western bumble bee	SC
Danaus plexippus	Monarch butterfly	FPT, SSC
Multiple species	Native invertebrates	
Mammals		
Antrozous pallidus	Pallid bat	SSC
Corynorhinus townsendii	Townsend's big-eared bat	SSC
Multiple species	Native mammals	

Reptiles		
Masticophis lateralis euryxanthus	Alameda whipsnake	ST, FT
Actinemys marmorata	Northwestern pond turtle	SSC, FPT
Multiple species	Native reptiles	
Plants		
Helianthella castanea	Diablo helianthella	1B.2
Ravenella exigua	Chaparral harebell	1B.2
Holocarpha macradenia	Santa Cruz tarplant	1B.1, SE, FT
Multiple species	Native vegetation	
Habitats		
Riparian, bed, bank, or channel.		
Notes: State listing under the California Endangered Species Act (CESA): SE = state endangered; ST = state threatened; SC = state candidate for listing; FP = state fully protected; SSC = state species of special concern; SR = state rare. California Native Plant Society (CNPS) ranking system: 1B = plants rare, threatened, or endangered in California and elsewhere; 2B = plants rare, threatened or endangered in California, but common elsewhere. Threat ranks: 0.1 = seriously threatened in California; 0.2 = moderately threatened in California. Federal listing under the Federal Endangered Species Act (FESA): FE = federally endangered; FT = federally threatened; FPT: Federally proposed for listing as threatened; FC = federal candidate species.		

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and

information can the East Bay Regional Park District adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Potential for impacts to special-status species;
- Potential for increased rates of runoff and soil erosion from soil compaction during and after construction;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project;
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project; and
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect

effects to fish, wildlife, and their habitat.

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the East Bay Regional Park District, as the lead agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid take of fully protected species.

COMMENTS AND RECOMMENDATIONS

Based on the information provided in the NOP, CDFW offers the comments and recommendations below to assist the East Bay Regional Park District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and/or indirect impacts on fish and wildlife (biological) resources. **These comments and recommendations are not an exhaustive list and CDFW may provide additional recommendations as more Project specific information is disclosed. The draft EIR must include a full Project Description, Environmental Setting, and Impact Analysis and Mitigation Measures as outlined above.**

COMMENT 1: Trail-Related Soil Erosion and Sediment Delivery

Issue: Development and long-term use of the proposed mountain bike trail has the potential to result in soil erosion and sediment delivery to downslope habitats and aquatic resources. Soil compaction associated with trail development can concentrate runoff that can degrade soil stability, reduce vegetation cover, and increase

sedimentation in nearby drainages if trail design, construction methods, and long-term maintenance are not adequately evaluated and addressed in the EIR.

Evidence impact would be significant: Past research demonstrates that unpaved recreational trails can be a continual source for increased soil erosion, particularly on sloped terrain, in erosive soil types, and in areas subject to concentrated runoff (Beschta 1978; Marion & Wimpey 2007). Trail construction typically involves vegetation removal and soil compaction, which can reduce infiltration and increase surface runoff, thereby accelerating erosion processes (Weaver and Dale 1978; Wilson and Seney 1994; Olive and Marion 2009). Sediment generated from trails may be mobilized during storm events and transported downslope into streams, wetlands, or riparian areas, contributing to increased turbidity, channel instability, and degradation of aquatic habitat (Reid and Dunne 1984; Waters 1995; Trombulak and Frissell 2000).

Mountain bike trails, in particular, can experience localized erosion where trail grades exceed sustainable thresholds, where fall-line alignments are proposed, or where drainage features are insufficient or inadequately maintained (IMBA 2004; Marion and Wimpey 2007). Studies have shown that erosion associated with trails may persist beyond the construction phase if design and maintenance measures are not effective, resulting in ongoing operational impacts rather than temporary construction-related effects (Olive and Marion 2009).

While best management practices—such as outsloping, grade reversals, rolling dips, armoring, and regular maintenance—have been shown to substantially reduce erosion risk, the effectiveness of these measures is highly dependent on site-specific design, construction oversight, and long-term maintenance commitments (IMBA 2004; Marion and Wimpey 2007; CDFW 2018). Without adequate analysis and enforceable mitigation, trail-related erosion could result in significant impacts to soil resources and downstream aquatic and riparian habitats.

Recommendation 1: CDFW recommends that the EIR evaluate the potential for soil erosion and sediment delivery associated with trail construction and long-term use, including an assessment of slope, soil type, drainage patterns, and proximity to aquatic resources. The EIR should identify and incorporate enforceable trail design standards, construction practices, and long-term maintenance measures sufficient to minimize erosion and sediment transport. At a minimum, the EIR should analyze and commit to:

- Sustainable trail alignment and grade limitations that avoid fall-line construction;
- Drainage features designed to disperse runoff and prevent concentration of flow along the trail surface;
- Construction-phase erosion and sediment control measures and post-construction revegetation using native species;

- A long-term inspection and maintenance program, including pre- and post-wet season evaluations; and

- Post-construction monitoring to verify that erosion rates from the trail do not exceed baseline conditions and that sediment is not being delivered to adjacent aquatic or riparian habitats.

CDFW recommends that these measures be incorporated into the Project and identified as binding mitigation, where necessary, to ensure potential erosion-related impacts are reduced to less-than-significant levels.

COMMENT 2: Potential Impacts to Alameda Whipsnake and Santa Cruz Tarplant

Issue: The Project's implementation and ongoing use of new mountain bike trails could result in continual disturbance, fragmentation, and habitat degradation for sensitive species such as the Alameda whipsnake (*Masticophis lateralis euryxanthus*) and the Santa Cruz tarplant (*Holocarpha macradenia*). Without a thorough analysis in the EIR, the Project may underestimate direct and indirect impacts associated with habitat alteration, increased human presence, and vegetation changes.

Evidence impact would be significant: The Alameda whipsnake is state listed as threatened and occupies a mosaic of scrub, chaparral, grassland, oak woodland, and associated habitats in Contra Costa and Alameda Counties. Currently, over 400,000 acres of critical habitat have been designated to support its recovery and persistence in the East Bay region (USFWS 2000; NatureServe 2023). This species relies on intact habitat mosaics and is sensitive to fragmentation, vegetation conversion, and chronic human disturbance (USFWS 2000; USFWS 2005). As a highly mobile reptile that uses grasslands and adjacent upland habitats for foraging and movement, increased trail use and associated recreational disturbance can increase encounter rates with humans, potential predation risks, and degradation of cover and prey base (USFWS 1997; NPS 2021).

Similarly, the Santa Cruz tarplant is state listed as endangered. This annual plant occurs in coastal prairie, coastal scrub, and valley/foothill grassland habitats in Contra Costa, Santa Cruz, Monterey, and Alameda counties (USFWS; CNPS 1B.1). This species depends on a stable seed bank and limited competitive pressure from invasive plants; disturbance regimes and inappropriate ecological disruption can reduce population viability and seed recruitment (USFWS; Calflora/CNPS). Recreational trails, if sited through or near suitable tarplant habitat, can facilitate the spread of non-native vegetation, soil compaction, and trampling of plants or seed sources, all of which degrade habitat quality and threaten long-term persistence.

Because both species occur in and around grassland, scrub, and woodland mosaics — habitat types frequently intersected by recreation corridors — and have documented

critical habitat in parts of Contra Costa County (USFWS 2000; USFWS 2005), the EIR should evaluate how continued use, informal trail braiding, edge effects, and unmanaged public access could contribute to long-term ongoing impacts to habitat function, connectivity, and species persistence. Without explicit analysis of how trail use patterns, vegetation changes, and habitat fragmentation influence these species' viability, impacts may not be adequately assessed, leading to inadequate mitigation.

Recommendation 2: CDFW recommends the draft EIR include a focused biological assessment of potential impacts to Alameda whipsnake and Santa Cruz tarplant, including:

- Mapping of current and potential habitat for both species relative to proposed and foreseeable future trail alignments and use corridors;
- Analysis of how trail construction, use intensity, and associated disturbance could alter habitat structure, connectivity, edge effects, and invasive species spread;
- Species-specific surveys timed for appropriate seasonal periods (e.g., whipsnake activity period and tarplant bloom/seed production period);
- Measures to avoid, minimize, and mitigate habitat degradation and fragmentation, including buffers, design modifications, and long-term monitoring; and
- Inclusion of trail management commitments that explicitly address species' life history needs and reduce chronic impacts (e.g., seasonal closures, signage, restoration of informal trail braids).

Incorporating these analyses and associated mitigation into the EIR will more fully disclose the Project's potential impacts on these sensitive species and support informed project decisions that avoid or reduce impacts to less-than-significant levels.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent CEQA documents or to make supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (d) & (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online here: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found here: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP in order to assist the East Bay Regional Park District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Elijah Portugal, Senior Environmental Scientist, at (707) 428-2088 or Elijah.Portugal@wildlife.ca.gov; or Sara Kern, Senior Environmental Scientist (Supervisory) at (916) 531-4465 or Sara.Kern@wildlife.ca.gov.

Sincerely,

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

ec: Office of Land Use and Climate Innovation (SCH No. 2026010604)
Melissa Farinha, CDFW Bay Delta Region – Melissa.Farinha@wildlife.ca.gov

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