

# Memo

To Demian Hardman, Planner, Contra Costa  
County Department of Conservation &  
Development

From Angie Harbin-Ireland, Senior Biologist, AMEC

Date 15 October 2012

**Subject History of Regulatory Agency Consultation for Creekside Memorial Park,  
Corrie Development Corp., in Contra Costa County, California.**

Creekside Memorial Park, a proposed new cemetery to be developed by Corrie Development Corp., encompasses a total area of approximately 221 acres located in the Tassajara Valley in unincorporated Contra Costa County, California. The proposed project site is located along Camino Tassajara about 1 mile south of the intersection with Highland Road. Elevation of the site ranges from about 540 to 950 feet above mean sea level. Current usage is rural residential and grazing, with the majority of site being non-native grassland with scattered valley oaks, and with ephemeral riparian drainages along Camino Tassajara (including a section of Tassajara Creek), the south side of the property, and along the northern boundary.

Biological surveys were conducted by Sycamore Associates on the project site for sensitive resources between 2002 and 2006 as reported in numerous technical reports that were utilized to prepare the project environmental impact analyses. Contra Costa County circulated a Draft Environmental Impact Report (DEIR) for the proposed project in September 2011. A complete list of biological surveys and summary of technical reports is provided in the Biological resources section of the DEIR. Comment letters from resource agencies including the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) were received in October 2011. The County is currently preparing the Final EIR document for the project.

A draft biological assessment (BA) was prepared by EDAW/AECOM for the project in 2008 in accordance with Federal Endangered Species Act (FESA) Section 7 consultation guidelines. This was submitted and discussed at an on-site meeting on 12 June 2008 with USFWS biologists Kim Squires and Michelle Havens, the biological consultant (including Angie Harbin-Ireland), P/A Design Resources, Inc. as the planner/engineer, and the developer. The draft BA submittal and site meeting with the USFWS initiated informal discussions with the USFWS regarding the proposed project in anticipation of the U.S. Army Corps of Engineers (USACE) initiating formal consultation under Section 7 of the FESA. A detailed account of the site visit discussions and follow-up items was prepared and finalized with revisions from the USFWS incorporated on 8 July 2008. The final site visit notes are attached as they were submitted to the USFWS.

Additional requested follow up was to provide a revised BA including more construction and design details and drawings as well as construction phasing details (pg. 4, 5.c.). That information has been in development as additional technical information was needed from other disciplines. It requires substantial efforts from the project engineers and planners to produce construction drawings and our intention was to update and resubmit the BA along with other regulatory agency permit applications after project approval was garnered from the County. Therefore, the requested informational follow up will be provided when we are ready to submit a formal application to the USACE and proceed further with the USFWS consultation. Completion of the USFWS formal consultation is not a necessary component of CEQA review.

## **ATTACHMENTS**

Final USFWS Site Visit Notes

cc: Jim Parsons, PA Design Resources  
Pete Klein, Corrie Development Corp.

**Creekside Memorial Park Site Visit Meeting Notes  
Final Version with USFWS Comments Incorporated  
July 8, 2008**

**Location:** Tassajara Valley, Contra Costa County

**Date:** June 12, 2008

**Time:** 10 am - noon

**Attending:** Kim Squires – USFWS  
Michelle Havens – USFWS  
Sid Corrie – Owner  
Jim Parsons – P/A Design Resources, Planners and Engineers  
Marylee Guinon – EDAW, Biological Consultant  
Angie Harbin-Ireland – EDAW, Biological Consultant

A site visit outline and two figures entitled, *On-Site Special-Status Species Occurrences and Habitats* and *Action Area*, were provided to the 6 participants.

1. Jim Parsons provided an overview of the proposed constraints-based site plan
  - a) There has been a substantial reduction from the original site plan (consisting primarily of cemetery plots) which extended across the hills, into stock ponds and the main north/south drainage (creek)
    - i) Revised plan proposes Lower Gardens (cemetery plots) concentrated near Tassajara Road and a large area preserved adjacent to open space off site to the southwest and north; EDAW will provide a map of preserved open space and biological corridor connections in the revised Biological Assessment (Hidden Valley, Brown Ranch, among others).
      - (1) Kim asked about the maintenance regime, lawn mowers and compatibility with CRF and CTS movement on site.
      - (2) Angie and Marylee recognized there is potential for take due to on-going cemetery maintenance; however, maintenance activities will only occur during the daytime and likely on warm days when the amphibians are less likely to move into uplands. The road will experience minimal traffic, and “take” from autos although possible, is highly unlikely.
    - ii) Jim emphasized that a cemetery is a very different type of development as opposed to commercial or residential, thus there will be low noise levels, low light levels, and very light vehicle traffic - maintenance workers will drive golf carts; there will be no vertical curbs on the access road to the Upper Gardens and no lighting on the road or in the Gardens (cemetery plots).
  - b) Kim asked about the status of the other approval processes
    - i) Marylee explained that no permit applications have been submitted to USACE, CDFG, or RWQCB as hydrology studies are in progress by Balance Hydrologics and the plans for outfalls and bank stabilization are dependent on these studies, but we are confident that the impacts will fall under a

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Nationwide Permit. Contra Costa County Flood Control will review and approve improvements in the Creek and tributaries. All such improvements will be designed to maintain wildlife movement corridors.

- ii) Marylee and Jim explained that the County is working on the Admin Draft EIR and the County wanted USFWS's input early on in the CEQA process given that there are ESA issues at the site.
  - iii) Jim and Sid discussed the unanimous support in the form of City Council Resolutions received from surrounding municipalities (Pleasanton, San Ramon, Dublin, and Danville) for the project given the shortage of cemeteries in the region. However, other developers in the area do not view the development of a cemetery adjacent to their land favorably. A ground-water supply analysis has been completed and will be included in ADEIR.
- c) Biological Movements
- i) We discussed biological movement corridors: under the proposed site plan amphibians will have uninterrupted access between the sites two stock ponds, along drainages to Tassajara Creek, and from the two on-site stock ponds to known breeding sites in the contiguous Hidden Valley.
- d) Riparian enhancement
- i) Kim asked about the proposed riparian enhancement along the tributaries to Tassajara Creek that will bisect the cemetery and their potential to become an attractive nuisance for California red-legged frog.
  - ii) EDAW explained that the site is very xeric and we envision native plantings sustainable without permanent irrigation. California red-legged frogs may move into the enhanced riparian corridor as they have been observed in the more vegetated stock pond and dense Tassajara Creek riparian corridor, but the enhanced riparian area will be "hands off" from cemetery maintenance crews and visitors. There will be a worker education program as part of the long-term management plan. If California red-legged frogs use this corridor, they will be uninterrupted in reaching Tassajara Creek, which currently functions as a movement corridor for the species. It is not be desirable to attract California red-legged frog to the lake at the project's entrance. This lake cannot be emptied every fall as bull frog predator control, because it serves as irrigation water storage. Predator control in the lake will include regular monitoring and bull frog eradication, if they are detected. Under the proposed project, amphibians will be able to disperse and migrate through the site, helping to sustain regional populations. Furthermore, these populations will benefit from the conservation easement and site improvements to the stock ponds.

#### 1. Stopping Point 1 – Entry area after tributary crossing

- a) Angie provided an overview of biological resource studies and surveys
  - i) Federally jurisdictional aquatic features total approximately 1.4 acre: 2 ponds, a few seeps on north boundary, unvegetated tributaries draining easterly to Tassajara Creek with patchy riparian vegetation, Tassajara Creek dense riparian vegetation.

- ii) Federally-listed species surveys were conducted from 2002-2004
  - (1) CRF focused surveys were conducted with positive findings in Tassajara Creek and Pond 2
  - (2) CTS dip netting was conducted with larvae found in Pond 1
- iii) EDAW (Sycamore) worked with P/A Design in the development of a constraints-based site plan to avoid aquatic features to the maximum extent
  - (1) Three road bridges will free span the tributaries maintaining wildlife movement opportunities.
  - (2) Stormwater outfalls will require some bank protection
  - (3) A Conservation Easement is proposed on ~150 acres of habitat to be preserved and managed for CRF, CTS, and SJKF; the permanently developed and maintained cemetery area will total ~50 acres; ~30 acres of remedial grading may be needed along the road to the Upper Gardens and at the base of the hillside, but will be restored to a natural condition (temporary impact).
- b) Based on our discussions we understood, provided that the Service could review an updated biological assessment including more project detail as discussed below, the proposed 150-acre conservation easement habitat area would be adequate compensation for project impacts to federally listed species. Kim agreed that it is acceptable to exclude the road from the Conservation Easement but include remedial grading and restored areas in the easement. The conservation easement and associated management plan document would need to be worded accordingly. The management plan will include but not be limited to contractor and cemetery maintenance worker training, grazing management, a fencing plan, and a predator control plan.

### 3. Stopping Point 3 – Pond 1

- a) Angie explained that California tiger salamander breeding is successful this year as evidenced by metamorphs at the surface; suitable upland habitat is adjacent to the pond; permanent lawn entombment areas would be located over 900 feet from the pond.
- b) Proposed enhancements were described by EDAW
  - i) Reinforce breached berm. Rock and compacted soil can be used to construct a durable berm and would result in less impact than over excavating the soil, stock piling it to the side, and then building berm in a series of layers.
  - ii) Emergent marsh plantings are being considered.
  - iii) Partial fencing from cattle grazing may be necessary if planting implemented
    - (1) Angie asked Kim about her opinion on enhancing the pond given that is currently a successful breeding site. Reinforcement of the berm is desirable to avoid downstream sedimentation. Kim stated that plantings are desirable if the pond is to be enhanced for California red-legged frog but not necessary for California tiger salamander.
- c) Angie reviewed the kit fox early evaluation findings. Potential dens were identified based on size of some ground squirrel burrows. Although tracking and camera stations resulted in negative findings for kit fox. The USFWS considers

the site within the kit fox's range so mitigation is necessary. Mitigation lands suitable for California red-legged frog are also suitable for kit fox habitat.

#### 4. Stopping Point 4 – Ridgeline

- a) Reviewed water tanks and Upper Gardens (cemetery plots) locations
- b) Visited Pond 2 and northern seeps
- c) Less emergent vegetation around pond than in past years. Some erosion at overflow site can be stabilized as part of enhancement efforts.
- d) EDAW and Jim explained that dispersal corridors and habitat connectivity will not be disrupted by the project as vehicles will infrequently travel up the hill for either services or maintenance activities. There will be no lighting or traffic at night within the conservation easement.
- e) Kim would prefer that the Upper Gardens be left as natural grassland as opposed to developed into manicured lawn entombment areas. This would alleviate concerns about potential run off and maintenance activities.

#### 5. Questions and next steps

- a) Angie explained that we plan to conduct dry season fairy shrimp surveys in the stock ponds and two seeps that provide potential habitat although there are no recorded sightings in 5 miles. These areas will be directly and indirectly avoided by the current site plan as confirmed by Jim in the field. Kim therefore agreed that if the project will not affect the potential habitat then no protocol surveys for listed branchiopod species are necessary. EDAW will provide to the Service an analysis of the potential invertebrate habitat and document that these areas will not be impacted either directly or indirectly. If the situation is as described, the Service will concur that no surveys are necessary. Kim explained that non-protocol surveys will not be considered valid.
- b) EDAW and Jim explained that Jim Martin, the EIR biologist for the County, may call Kim to discuss the site visit and her impressions of the site plan since he could not be in attendance.
- c) In the revised version of the Biological Assessment Kim would like to see more construction and design details and drawings (outfall plans, pond enhancement plans) as well as detailed construction phasing information.

EDAW provided Kim with copies of the following reports:

- Condor Country Consulting. 2006. *Results of Corrie Property Branchiopod Habitat Assessment*. March 10, 2006.
- Sycamore Associates. 2006a. *Biological Assessment for the Creekside Memorial Park, Tassajara Valley, Contra Costa County, California*. July 22, 2004, revised March 14, 2006.

- Sycamore Associates. 2006c. *California Red-legged Frog Focused Survey for the Creekside Memorial Park, Tassajara Valley, Contra Costa County, California*. August 5, 2004, revised March 14, 2006.
- Sycamore Associates. 2006d. *Early Evaluation for the San Joaquin Kit Fox, Corrie Property, Contra Costa County, California*. September 10, 2004, revised March 14, 2006.