



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



October 26, 2011

Mr. Demian Hardman
Contra Costa County
Administration Building
651 Pine Street, 4th Floor, North Wing
Martinez, CA 94553

Dear Mr. Hardman:

Subject: Creekside Memorial Park Cemetery Project, Draft Environmental Impact Report,
SCH #2007012069, Contra Costa County

Thank you for providing the Department of Fish and Game (DFG) the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Creekside Memorial Park Cemetery Project (Project), prepared by Contra Costa County (County). The proposed Project consists of development of a 221.66-acre site with a new cemetery. The cemetery will include a landscaped and irrigated garden (45.5 acres), a non-irrigated garden (13.2 acres), and undeveloped natural areas (152.9 acres). The cemetery will include a number of structures and facilities, including administrative offices and a chapel, indoor and garden mausoleums, storage buildings, landscape infrastructure, parking and transportation improvements.

The EIR states that the proposed Project will result in permanent and temporary impacts to upland and breeding habitat for the state threatened California tiger salamander (*Ambystoma californiense*) and has potential for take of the state threatened San Joaquin kit fox (*Vulpes macrotis mutica*). Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the Project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Therefore, a CESA Incidental Take Permit and an appropriate federal take permit for these species will be required prior to initiating construction. Pursuant to a CESA permit, DFG will need to further review the adequacy of proposed on-site habitat for compensatory mitigation. If roads and other improvements would result in obstructions to movement, hazards to wildlife or sources of substantial habitat disturbance, additional off-site compensatory mitigation may be required.

The Project is expected to permanently disturb a total of 2.25 acres of on-site alkali habitats that support several rare plants, including Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) and San Joaquin spearscape (*Atriplex joaquiniana*). Both rare and sensitive flowers are a California Native Plant Society category 1B designation and are addressed under the California Environmental Quality Act (CEQA), Section 15380. Moreover, the Project is expected to introduce new irrigation sources that could have adverse impacts on existing hydrological conditions and disturbances that could degrade the remaining habitat over the life of the Project (e.g., landscaping activities, high-intensity visitor foot traffic). Although the EIR suggests that the affected plants could potentially be relocated, both potential transplant sites have soils with lower alkalinity levels and the transplant sites would require terracing and other topographic

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enhancement to support suitable conditions for these species. Based on the professional experience of DFG staff, creation of on-site alkali habitat and relocation of these plants has a low likelihood of success. With uncertainty that translocation efforts will be successful, the mitigation ratio for habitat creation proposed in Mitigation Measure 3.4-1a (1:1, habitat creation to habitat loss) would not avoid a permanent net loss of the rare alkali plant species and its habitat.

Generally, DFG recommends avoidance of sensitive habitats over post-project restoration or off-site mitigation. However, if avoidance of on-site sensitive habitats is infeasible, DFG recommends that Mitigation Measure 3.4-1a be revised as follows (underlined text represents additions, and ~~strikethrough text~~ represents deletions):

Mitigation Measure 3.41a: If the areas containing occurrences of Congdon's tarplant and San Joaquin spearscale cannot be avoided, a compensatory mitigation program shall be prepared by a qualified biologist and implemented to provide a minimum 3:1 4:4-ratio of replacement habitat for these two species at an off-site location. All temporarily disturbed alkali habitats shall be restored to pre-Project conditions following completion of earth-moving activities or shall be mitigated as permanent impacts, either on-site or off-site. A Biological Mitigation and Monitoring Plan (BMMP) shall be prepared by the qualified biologist describing the mitigation and monitoring requirements and performance standards if habitat is preserved or acquired for special-status plant species, as called for in Mitigation Measure 3.4-2.1. This shall be accomplished as follows:

1. Temporarily disturbed on-site alkali habitats shall be restored to suitable habitat for the plant species to the extent feasible, as described in the BMMP. Enhancement tree and shrub plantings proposed as part of the Conceptual Landscape Plan shall be carefully controlled to ensure consistency with the alkaline grassland habitat requirements and intent to restore this area as long-term habitat for Congdon's tarplant and San Joaquin spearscale.
2. Where direct impacts are unavoidable, permanently preserve, through use of a conservation easement or other similar method, ~~an equal amount of acreage at a 3:1 ratio to that (preserved habitat to habitat lost as a result of proposed development); either on-site as part of a habitat translocation program or at an off-site location that~~ contains existing occurrences of Congdon's tarplant and San Joaquin spearscale.
3. ~~Harvest any Congdon's tarplant and San Joaquin spearscale plants and seed to be lost, and relocate them to another suitable and equal sized area either within the site or off-site that will be permanently preserved through a conservation easement or other similar method. To preserve local genetic material, seeds from sensitive plants that would be taken as a result of the Project shall be collected. Seed shall be planted at the off-site mitigation site if needed to supplement the existing seed bank or planted in restored on-site habitat; however, at least 2,500 seeds shall be shipped to the Rancho Santa Ana Botanic Garden (RSABG), located at 1500 North College Avenue, Claremont, California, to establish a long-term seed bank storage and conservation collection. All costs and arrangements for establishing the conservation collection shall be the responsibility of the Project applicant and shall be arranged prior to Project initiation. Harvested fruiting stems shall be dry and~~

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loosely packaged in well-sealed paper envelopes and sent to RSABG no later than 5 days after collection. One voucher specimen each of Congdon's tarplant and San Joaquin spearscale shall be collected, pressed and sent to RSABG. Permittee shall limit collection of the specimen to a plant expected to be taken as a result of the Project unless otherwise directed by the Contra Costa County Department of Conservation & Development.

4. A minimum of five years of monitoring and maintenance shall be provided for the restoration relocation component of the BMMP, with annual monitoring reports submitted annually to Contra Costa County Department of Conservation & Development for review and approval.
5. If at the end of the five year monitoring program, success criteria are not met, a and ~~the long-term viability of the on-site translocation effort remains uncertain, the off-site preservation of existing occurrences of Congdon's tarplant and San Joaquin spearscale shall be required.~~ A new BMMP shall be prepared for the off-site preserve, and monitoring requirements shall continue as specified above in #4.

Mitigation Measure 3.4-2a states that a BMMP will be prepared by the applicant and that the BMMP will be reviewed by all appropriate resource agencies prior to issuance of grading permits. Please allow DFG a minimum of 30 days to review and submit comments on the BMMP.

Based on the information contained in the EIR, it appears that the proposed Project will result in work within or near stream habitat. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Please submit a Notification of Lake or Streambed Alteration (available on our website at: <http://dfg.ca.gov/habcon/1600/forms.html>) for work within and adjacent to the stream corridor.

DFG appreciates the opportunity to comment on the proposed project. If you have any questions or comments about this letter, please contact Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Senior Environmental Scientist, at (707) 944-5529.

Sincerely,



Carl Wilcox
Regional Manager
Bay Delta Region

cc: State Clearinghouse



Reanna Patin
<RPATIN@dfg.ca.gov>
10/28/2011 09:17 AM

To <demian.hardman@dcd.cccounty.us>
cc
bcc
Subject Fwd: Creekside Memorial Park Cemetery

Mr. Hardman,

Please see the attached letter. Original to follow.

Thank you,

Reanna Patin
Habitat Conservation Secretary
Bay Delta Region
Department of Fish and Game
7329 Silverado Trail
Napa, CA 94558



Phone: (707) 944-5566 Creekside Memorial Park Cemetery SCH#2007012069-Hardman-ADAIR 102611.pdf