



Appendix D
Mendocino Council of Governments
Covelo State Route 162 Corridor Multi-Purpose Trail
**Response to Comments and Errata on Initial Study/Mitigated
Negative Declaration**

December 2017

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1. Introduction

1.1 Purpose of this Report

The purpose of this report is to 1) identify the written comments received on the Mendocino Council of Governments (MCOG) Covelo State Route 162 Corridor Multi-Purpose Trail Project (project) Initial Study/Mitigated Negative Declaration (ISMND); 2) provide an errata sheet with minor changes/additions to the ISMND; and 3) provide responses to written comments received on the ISMND.

1.2 Environmental Review Process

The project ISMND was circulated for 30 days between October 18, 2017 and November 16, 2017. Two comment letters were received on the circulated ISMND. CEQA requires lead agencies to consider the Negative Declaration, together with any comments received, before approving the project (Public Resources Code [PRC] Section 21091 (f), CEQA Guidelines Section 15074). Lead agencies are not required to prepare formal responses to comments on the proposed Negative Declaration; however, MCOG has prepared this report to respond to comments received on the ISMND for the project. It is not necessary to recirculate the ISMD nor this response to comments, nor to consider an alternative form of environmental documentation as the process followed complies with the CEQA Guidelines. The Lead Agency may consider the comments received and the information in this report and consider formal adoption of this document and a preferred project.

1.3 Document Organization of the Final EIR

This report is organized into the following chapters:

Chapter 1 – Introduction. This chapter discusses the purpose, CEQA process, and organization of this report.

Chapter 2 – Errata. This chapter includes minor changes/additions to the ISMND.

Chapter 3 – Comments and Responses. This chapter contains reproductions of the two letters received on the ISMND, and responses to those comments. The responses to each comment are keyed to the comments preceding them.

2. Errata

The following changes to the ISMND are proposed. Additions to the ISMND text are underlined and deletions are in double-strikethrough text.

2.1 ISMND page 3-14, Mitigation Measure BIO-1

Mitigation Measure BIO-1: Conduct Seasonally Appropriate Pre-construction Plant Surveys

- MCOG will ensure that if the Alternative 2 trail alignment, east section, is chosen, that seasonally appropriate pre-project plant surveys shall be conducted during the seasonally-appropriate window when target plant species are in bloom, during 2018 spring/summer, or ~~at a minimum, one year~~ sufficiently prior to the planned construction window so as to allow adequate time for seed collection for plant propagation and/or plant translocation, if sensitive plant species are found.
- If sensitive plant species are documented within the project footprint or temporary construction impact area for Alternative 2 and cannot be avoided, a species-specific Sensitive Species Mitigation Plan (SSMP) will be developed in the year prior to construction and submitted to CDFW for consideration. The plan will include species-specific measures for plant relocation, seed collection, and/or nursery plant propagation, replanting and monitoring. The SSMP will designate an appropriate site(s) for planting for mitigation to occur for sensitive plants as mitigation for impacts, either along the linear project corridor or at a nearby location. The SSMP will document suitable conditions for species-specific plant requirements at the mitigation site(s). The SSMP will provide a monitoring approach for no net loss of plant species within three years of implementation of the mitigation plan.
- The results of the plant survey are generally considered valid for up to two to three years depending on the potential plant species present. Surveys should be updated or preconstruction surveys utilized, if the project is not implemented prior to the current survey results expiring. Given the generally low quality habitat for sensitive-listed plant species in the project footprint and temporary impact areas, preconstruction surveys are not proposed within the Alternative 1 PSB if construction related project clearing activities are construction is conducted prior to the end of 2020, which is within three years of to expiration of the original botanical survey conducted in June 2017. ~~to expiration of the original botanical survey conducted in June 2017. construction occurring by 2020.~~
- MCOG will work with CDFW through the incidental take process to determine if a viable Milo baker's lupine seedbank is present within the project area. If a viable seed bank is identified, the location shall be evaluated by a qualified botanist and a recommendation for further action developed. Further action could include avoidance, recovery, or another method recommended by the botanist.

2.2 ISMND page 3-16, Mitigation Measure BIO-2:

Mitigation Measure BIO-2: Survey and (if necessary) Relocation of Sensitive Amphibian Species

MCOG shall ensure that preconstruction surveys for sensitive or Candidate listed amphibian species (such as the Foothill Yellow-legged Frog, depending on listing status at time of project implementation) shall be conducted in 2018 in appropriate habitat within vegetated areas of the project footprint, culverts within the project footprint, and below the top of bank of Mill Creek within the project footprint and within a minimum 200 foot radius (where accessible) of pile driving locations, by a qualified biologist during the breeding season in April ~~within 24 hours prior to the onset of vegetation clearing or ground disturbing work~~. Sensitive-listed amphibian species observed, if any, shall be relocated immediately prior to construction outside of the project impact area to nearby ~~species-specific~~ suitable and accessible habitat. If Foothill Yellow-legged Frog are listed under CESA prior to construction ~~at the time of survey~~ then an Incidental Take Permit shall be prepared and submitted to the CDFW.

2.3 ISMND page 3-16, Mitigation Measure BIO-3: Conduct Bat and Bird Surveys for Protected Avian Species

Mitigation Measure BIO-3: Conduct Bird Surveys for Protected Avian Species

1. MCOG shall ensure that seasonal avoidance of the March 15 – August 15 nesting season will be utilized when feasible, to avoid impacts to native bird species protected under the Migratory Bird Treaty Act that may be present within the project footprint or adjacent area during construction. Clearing of shrubs or other vegetation, if necessary for construction or maintenance, shall be conducted if possible during the fall and/or winter months from August 16 to March 14th, outside of the active nesting season. If vegetation removal or ground disturbance cannot be confined to work during the non-breeding season, the MCOG shall have a qualified biologist conduct preconstruction surveys within the vicinity of the impact area, to check for nesting activity of native birds and to evaluate the site for presence of raptors and special-status bird species. The biologist shall conduct a minimum of one day preconstruction survey within the 7-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the breeding season, a qualified biologist shall conduct a supplemental avian preconstruction survey before project work is reinitiated.
2. If active nests are detected within the construction footprint or within 500 feet of construction activities, the biologist shall have locations flagged that are supporting breeding, and MCOG will not begin ground disturbing work or vegetation removal inside the project avian buffers until the ~~young~~ young have fledged. Construction activities shall avoid nest sites until the biologist determines that the young have fledged or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500 feet of the construction area, buffers will be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the CDFW. The buffer size for sensitive species

would be 300 feet, and the buffer size for raptors would be 500 feet, if deemed appropriate in coordination with the CDFW.

3. Buffer sizes will take into account factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds. The survey results will be reported to the CDFW prior to the commencement of construction activities.
4. A bat survey will be conducted during the spring or summer prior to construction, with emphasis on the proposed crossing of Mill Creek and any areas where oaks may be disturbed. Surveys will be conducted by a qualified biologist and will include at a minimum a visual inspection of the underside of the existing SR 162 bridge over Mill Creek and any large oaks with cavities or loose bark. If bats are located, an attempt will be made to identify the species either visually or acoustically. If the presence of a bat maternity colony or roost is confirmed, no pile driving or other activity generating significant noise will occur within 300 feet of the roost from April 1 through August 15 or until young have dispersed.

2.4 ISMND page 3-19, Mitigation Measure BIO-5: Protection and Replacement of Oak Trees

Mitigation Measure BIO-5: Protection and Replacement of Oak Trees

MCOG will ensure that the following measures will be taken to reduce potential impacts to oak trees:

- Impacts to oak trees from construction and long-term operation will be calculated at the drip line (combines direct impacts to trunks and potential indirect impacts within the drip line). An arborist or biologist will conduct a tree survey prior to construction within areas where direct or indirect impacts to oaks are anticipated. The arborist or biologist will document tree species and dbh of all oaks with canopy or trunks within the impact area, with an impact defined as ground disturbance or compaction within the dripline. Project mitigation for direct and indirect impacts will be calculated as follows:
 - <12 inch dbh will provide minimum of ~~34~~:1 mitigation ratio
 - 12-18 inch dbh will provide minimum of ~~44.5~~:1 mitigation ratio
 - >18 inch dbh will provide minimum of ~~52~~:1 mitigation ratio

The replacement species composition and ~~exact final~~ number of trees to be planted at the mitigation area shall be subject to approval by CDFW. Although the project site has sufficient area to accommodate the required tree mitigation, alternative sites may be considered including local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of CDFW, Caltrans, the MCOG, and relevant property owners.

A Habitat Mitigation Plan (HMP) will be prepared that provides a description of the mitigation site, site selection criteria, and appropriate conditions of oak growth, plant propagation methods, acorn collection if any, implementation, maintenance, and monitoring, to be

submitted to CDFW for consideration. The HMP will describe whether overplanting is recommended to allow for mitigation ratios to be achieved.

3. Comments and Responses

3.1 Comments Received

During the public comment period for the ISMND, the MCOG received two comment letters. A list of the comment letters and comments received is shown below in Table 3-1 (either by agency/organization or last name of the individual). Comment letters received on the ISMND and included in this report are numbered alphabetically starting with “A” through “B.” Comments are alphabetized in the order in which they were received by the MCOG.

Comments which do not raise environmental issues or comment on the adequacy of the ISMND, but merely provide information or general support for/opposition to the project, will receive “comment noted” in the response.

Table 3-1 Comments Received on the ISMND

Letter	Agency/Organization	Last Name	First Name	Letter Date
A	Neary and O’Brien	Neary	Christopher	November 15, 2017
B	California Department of Fish and Wildlife	Babcock	Curt	November 16, 2017

CHRISTOPHER J. NEARY
cjneary@nearyobrienlaw.com

JENNIFER M. O'BRIEN
jobrien@nearyobrienlaw.com

NEARY AND O'BRIEN
ATTORNEYS AT LAW

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(707) 459-5551

November 15, 2017

Via: Federal Express; E-mail

Tracking # 770758595769

Sooknej@dow-associates.com

Mendocino Council of Governments
Attention James Sookne
367 N. State Street, Suite 206
Ukiah, California

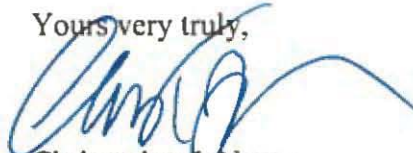
Re: Covelo State Route 162 Corridor Multi-purpose Trail

Dear Sirs:

On behalf of Suki Dewey- Whyte we submit the report of the McEdwards Group concerning the t project as a comment upon the proposed environmental document. The report raises a fair argument that the project alternative affecting the Dewey-White property traverses a jurisdictional wetland and would require environmental analysis of the impact upon the wetland and any modifications necessary to obtain a permit from the Army Corps of Engineers.

A-1

Yours very truly,



Christopher J. Neary

CJN/cm

enc

cc: Suki Dewey-Whyte
dewhyte@gmail.com

THE McEDWARDS GROUP

1025 Hearst-Willits Road
Willits, CA 95490
License #743428
707/354-4618
themcedwardsgroup@comcast.net

November 13, 2017
Job No. 2022.06.01

Ms. Suki Dewey-White
23500 Henderson Road
Covelo, CA 95428

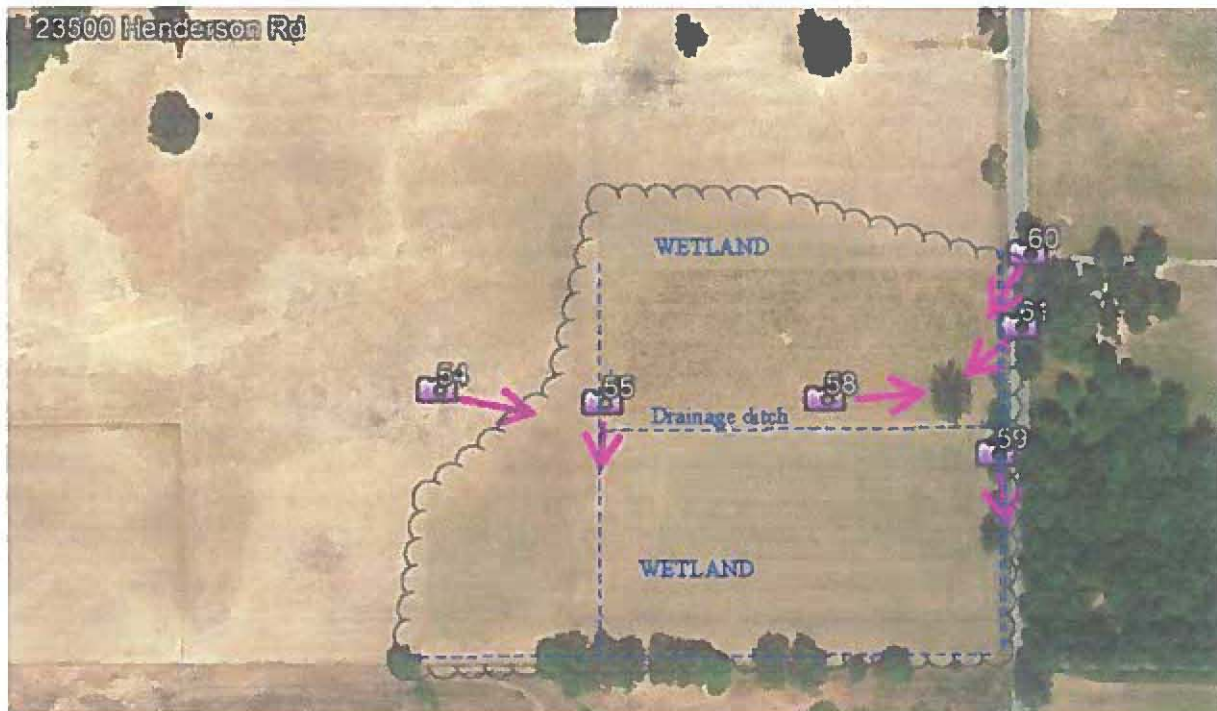
Presence of Wetlands
23500 Henderson Road
Covelo, California

Dear Ms. Dewey-White,

On November 4, 2017, I visited your property and confirmed the presence of a wetland on it that is located within the right-of-way of the Covelo State Route 162 Corridor Multi-Purpose Trail recently proposed for construction by the Mendocino County Council of Governments in partnership with the California Department of Transportation and the Round Valley Indian Tribe.

Below is a Google Earth image of your property west of Route 162 on which the trail is proposed to be built. The image shows the point of views of photographs taken during my visit and a general outline of the wetland area. North is up the page. The photograph numbers have no inherent meaning. Note the contrast in ground color/texture between the wetland and the surrounding area.

A-2



Based on my observations, and photographs of the area taken during the rainy season that you provided, I believe the area to be crossed by the multi-purpose trail is indeed a wetland. The photographs are presented below with each followed by a discussion of what the photograph shows that identifies the area as a wetland.



Image 54 looking east: The ground surface in the distance has a markedly different tone than the ground surface in the foreground, which is pockmarked with gopher/ground squirrel burrows. No such burrows were seen in the darker-toned area in the distance, indicating that the area is a wetland that will not support these animals (they will drown).



Image 55 looking south: This is a drainage ditch believed to be over 100 years old.

A-3



Image 58 looking east - Another drainage ditch believed to be over 100 years old.



Image 59 looking south: This is another old drainage ditch on the property that is located just west of State Route 162.

The locations of the two north-south and two east-west old drainage ditches are shown in the Google Earth image. The previous property owners would not have constructed these ditches in this specific area unless the area needed to be drained for economical use.



A-3
Cnt'd

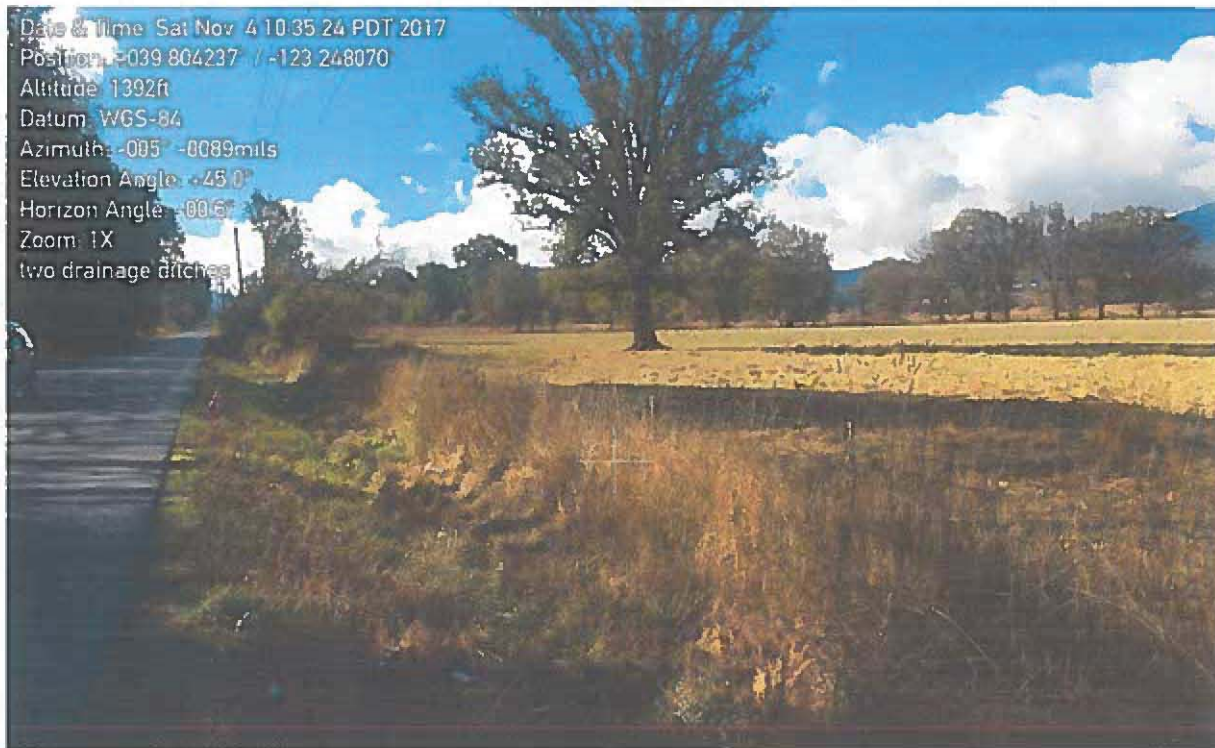


Image 60 looking southwest: Two drainage ditches are shown. The ditch near the road drains the roadway and the ditch on the left drains the wetland. Note the texture/color of the wetland area beyond the tree.



Image 61 looking southwest: Another view of the smooth texture of the wetland.

A-3
Cnt'd

The photographs shown below were taken by you during the rainy season.



Rainy season looking south. This is the same tree seen in Images 60 and 61.



Rainy season looking west.

A-3
Cnt'd

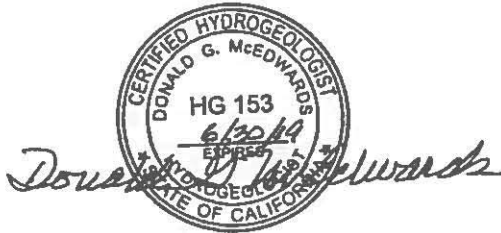


A-3
Cnt'd

Rainy season looking north at wetlands drainage ditch by State Route 162.

We trust this is the information that you require. If you have any questions, please call.

Very Truly Yours,
THE McEDWARDS GROUP



Dr. Donald G. McEdwards, CE 28088, RG 3872, EG 1208, and HG 153
Certified Hydrogeologist No. 153

Letter A – Response to Comments

Response to Comment A-1

This is an introductory comment from the law firm of Neary and O'Brien noting the included report from the McEdwards Group about their assertion that the project alternative affecting the Dewey-White property traverses a "jurisdictional wetland" and would need a permit from the U.S. Army Corps of Engineers.

Response to Comment A-2

This is an introductory comment from the McEdwards Group letter. The comments identify when the site was visited, an assertion that a "wetland" is located within the State Route (SR 162) right-of-way (ROW). Also included is a Google Earth image showing the location of where the photographs were taken and general outline of the "wetland area" as determined by the McEdwards Group. Based on the information provided, it does not appear that the McEdwards Group opinion regarding wetlands is based on U.S. Army Corps of Engineers (USACE) wetland delineation standards for jurisdictional determination.

Response to Comment A-3

As noted in the ISMND, a wetland delineation, based on the USACE three-parameter approach, was conducted in May and June, 2017 for the project Alternative 1 alignment. The Dewey-White parcel was not included in its entirety because permission to enter the property was not received. However, wetlands were identified along the SR 162 road ROW. The wetland delineation identifies the Palustrine Emergent Ditch on the west side of SR 162 through the Dewey-White parcel. MCOG sent a wetlands jurisdictional determination (JD) request letter in July, 2017 to request a JD from the USACE. A section 404 permit would also be obtained from the USACE for this project and would take place after the CEQA process. Mitigation Measure BIO-6 is included to mitigate direct and temporary impacts to wetlands. Reference Section 3.4 (c) for a discussion of wetlands, Mitigation Measure BIO-6 for wetlands mitigation, and Appendix C for the wetland delineation figures.



State of California - Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 619 2nd Street,
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 (707) 441-2075
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EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



November 16, 2017

James Sookne
 Mendocino Council of Governments
 367 State Street, Suite 206
 Ukiah, CA 95482

**Subject: Covelo State Route 162 Corridor Multi-Purpose Trail
 Initial Study and Proposed Mitigated Negative Declaration
 SCH# 2017102051**

Dear Mr. Sookne:

The California Department of Fish and Wildlife (CDFW) received an Initial Study (IS) and Proposed Mitigated Negative Declaration (PMND) from Mendocino Council of Governments (MCOG) for the Covelo State Route 162 Multi-Purpose Trail (Project), pursuant to the California Environmental Quality Act (CEQA).

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to the California Public Resource Code section 21000 *et seq.*

B-1

CDFW's most substantial concern with this Project relate to the potential impact to, and take of, the State-threatened Milo Baker's lupine (*Lupinus milo-bakeri*).

PROJECT DESCRIPTION SUMMARY

The Project proposes the creation of a multi-use trail along the State Route 162 (SR 162) corridor within and north of the community of Covelo, Mendocino County. The Project would include street improvements, a paved trail, associated drainage and culvert improvements, and the construction of a bridge over Mill Creek. Two alternatives are proposed. Alternative 1 would align the trail in its entirety along the west side of SR 162; Alternative 2 would align the trail along the west side of SR 162 except for the portion between Biggar Lane and the Hidden Oaks Casino, which would align on the east side of SR 162.

B-2

Take of the Milo Baker's Lupine

According to the PMND, the Project impact area has five documented populations (referred to here as "element occurrences" (EOs)) of the state-threatened Milo Baker's lupine. Milo Baker's lupine has a California Natural Diversity Database (CNDDDB) rank of critically imperiled both globally and in California. As of 2016, this species, endemic to and once common throughout Round Valley, has been reduced to a single known EO, found in part, on the SR 162 shoulder just northeast of Covelo.

According to the CNDDDB, the five EOs in the Project area are either "presumed extant," or "possibly extirpated." The Milo Baker's lupine is a member of the Pea Family (Fabaceae), which includes many species known to have extremely long-lived seeds, producing "seed banks" in the soil. These seed banks can persist for many years, even many decades, and when the conditions are right, often due to some type of disturbance such as fire, flooding, or soil disturbance, the seeds will germinate. Thus while Milo Baker's lupine plants, which are annuals, have not been seen at these EOs for many years, and botanical surveys for this Project did not detect any plants, CDFW has compelling reasons to believe that a viable seedbank occurs within the Project footprint.

Given the Milo Baker's lupine is a State-threatened species, nearly extinct in the wild, and diminished to only one known occurrence, this Project's potential impacts to five documented and presumed extant EOs should be considered significant without mitigation. Because the Project's botanical surveys did not detect any Milo Baker's lupine plants, the PMND presumes this species is not present in the Project site and therefore no mitigations are proposed.

Furthermore, because there is substantial evidence that this Project may result in the take of this species, through destruction of the seedbank, CDFW recommends MCOG consult with CDFW to fully avoid and minimize take of this species and to receive incidental take coverage from CDFW pursuant to FGC Section 2080 *et seq.*

Over the past year, CDFW has been working with California Department of Transportation (Caltrans) on mitigation and take-avoidance strategies for the Milo Baker's lupine along their SR 162 right of way. We have also been developing a strategy to determine if there are viable seedbanks at the Milo Baker's lupine EOs where plants have not been seen in many years. CDFW believes that in working closely with the MCOG and Caltrans, we may be able to determine if there is a viable seedbank at this Project site without delaying the proposed Project construction schedule. However, consultation on this species would need to commence expeditiously.

Potential Take of Foothill yellow-legged frog (*Rana boylei*)

The Project proposes a bridge across Mill Creek. Mill Creek likely provides habitat for the foothill yellow-legged frog (*Rana boylei*) (FYLF). FYLF is currently a candidate species for state listing, and during its candidacy receives the same consideration and protection as a state-listed species. CDFW recommends that FYLF surveys be conducted in 2018, and if FYLF are found, that CDFW be consulted in order to develop appropriate mitigation measures that minimize, avoid, or if necessary, permit the incidental take of this species.

B-4

Potential Impacts to Bats

This Project proposes installation of a foot bridge directly adjacent to the current SR 162 Mill Creek bridge. The SR 162 bridge may provide roosting habitat for one or more species of bats. Bat roosting habitat across California is in decline. Due in-part to loss and degradation of bat roosting and breeding habitat, 12 of the 24 bat species occurring in California are currently designated by CDFW as Species of Special Concern.

Activities that remove or substantially degrade the quality of bat roosts may have a significant impact on the environment. Construction of a bridge at Mill Creek could substantially impact a bat colony using the adjacent SR 162 bridge. This Project did not conduct bat surveys or an assessment of bat utilization on the SR 162 bridge. CDFW recommends a qualified professional assess potential bat utilization of the SR 162 bridge and provide the results of this assessment to CDFW. If bats are found to utilize the SR 162 bridge, then the MCOG should consult with CDFW to develop appropriate mitigations.

B-5

Impacts to Oak Woodlands

The PMND determines that the Project will remove a number of oak trees, including valley oaks (*Quercus lobata*) and Oregon white oak (*Quercus garryana*). Mature oak trees provide substantial wildlife habitat and ecosystem value. The oaks to be removed have a diameter at breast height (DBH) range of one inch to over 18 inches. Oaks are relatively slow-growing trees and it can take decades for a valley oak or Oregon white oak to reach a DBH greater than 12 inches. The PMND proposed an oak replanting mitigation ratio of only 1:1 and does not quantify the total number of oak trees to be removed or categorize the trees to be removed into a size-class range to better assess the loss of habitat.

B-6

Furthermore, the PMND does not clearly specify where the replacement oaks will be planted and what entity is responsible for managing and maintaining the oak mitigation site(s). In addition, the PMND or the project does not appear to include a Mitigation and Monitoring Plan with clear performance standards, adaptive management options if those standards are not met, identification of what entity is responsible for mitigation monitoring, and a monitoring schedule.

Recommendations

CDFW recommends the PMND should be revised and recirculated, incorporating the following recommendations, or alternatively, an Environmental Impact Report should be prepared:

1. MCOG should formally consult with CDFW on implementing mitigation and take avoidance strategies that assess the Project's potential impacts to a viable Milo Baker's lupine seedbank. The result of this consultation should provide incidental take coverage to MCOG for this species. The result of this Milo Baker's lupine consultation and incidental take coverage should be incorporated into the revised MND. B-7
2. Foothill yellow-legged frog surveys should be conducted in 2018, and if they are found, CDFW should be consulted in order to develop appropriate mitigation measures that minimize, avoid, or, if necessary, permit the incidental take of this species. B-8
3. The revised MND should assess if bats are roosting under the SR 162 Mill Creek bridge. If bats are found to be utilizing the bridge, the MND should assess, in consultation with CDFW, if construction of a new bridge or other aspects of this Project will result in substantial impacts to the bat roost. If this determination is made, mitigations approved by CDFW should be included in the MND. B-9
4. The revised MND should specify how many oaks will be removed by the Project and categorize them by size class and species. B-10
5. A more detailed oak mitigation plan should be included in the MND that specifies where the oak mitigations will occur, and what entity will implement, manage, and monitor the mitigation. This information should be included in a Mitigation and Monitoring Plan. B-11
6. The Project should use a higher mitigation ratio for the replacement of removed oak trees. Mitigation ratios such as those below would more adequately mitigate for long-lived slower growing species such as oaks and are more typical for projects needing to mitigate for oak tree loss:
 - <1 inch DBH replaced at a minimum 1:1 mitigation ratio
 - 1-11 inch DBH replaced at a minimum 6:1 mitigation ratio
 - 12-18 inch DBH replaced at a minimum 8:1 mitigation ratio
 - >18 inch DBH replaced at a minimum 10:1 mitigation ratio B-12

James Sookne
Mendocino Council of Governments
November 16, 2017
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If you have questions or comments regarding this matter, please contact Environmental Scientist Daniel Harrington at (707) 964-7683, or by e-mail at daniel.harrington@wildlife.ca.gov.

B-13

Sincerely,



for **Curt Babcock**
Habitat Conservation Planning Program Manager
Northern Region

ec: James Sookne
sooknej@dow-associates.com

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Letter B – Response to Comments

Response to Comment B-1

This is an introductory comment describing CDFW's role as a Trustee and Responsible Agency, and that their most substantial concern with the project is the State-threatened Milo Baker's lupine (*Lupinus milo-bakeri*).

Response to Comment B-2

Comment noted. This comment summarizes the project description.

Response to Comment B-3

MCOG will consult with CDFW to avoid or minimize take of Milo Baker's lupine and to receive incidental take coverage. Language for Milo Baker's lupine was added to Mitigation Measure BIO-1.

Response to Comment B-4

Mitigation Measure BIO-2 has been modified to address CDFW's comment. See Section 2.1.

Response to Comment B-5

Mitigation Measure BIO-3 has been modified to address CDFW's comment. See Section 2.1.

Response to Comment B-6

Precise impacts to oaks cannot be quantified at this time because the design is not final. However, a pre-construction survey would be conducted to quantify the number of oaks within the potential impact area and to categorize them by species and size class. Mitigation Measure BIO-5 has been modified in response to CDFW's comments, and now includes a definition of impacts to oaks and establishes higher mitigation ratios. A more detailed oak mitigation description has also been included in the mitigation, monitoring and reporting Program (MMRP). The MMRP is separately bound.

Response to Comment B-7

The ISMND shall not be recirculated; however, Chapter 2 – Errata incorporates changes to the mitigation measures per CDFW's comments.

Please see Response to Comment B-3.

Response to Comment B-8

Please see Response to Comment B-4.

Response to Comment B-9

Please see Response to Comment B-5.

Response to Comment B-10

Please see Response to Comment B-6.

Response to Comment B-11

Please see Response to Comment B-6.

Response to Comment B-12

Please see Response to Comment B-6.

Response to Comment B-13

Comment noted.

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