



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 30, 2019

Governor's Office of Planning & Research

APR 30 2019

STATE CLEARINGHOUSE

Mr. Adam Foster, Senior Planner
City of Orinda
22 Orinda Way
Orinda, CA 94563

Dear Mr. Foster:

Subject: Country House Memory Care Project, Draft Environmental Impact Report,
SCH #2018072015, City of Orinda, Contra Costa County

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from City of Orinda (City) for the Country House Memory Lane Care Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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 a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant or wildlife resources. CDFW is also considered a Responsible Agency if a project requires discretionary approval, such permits issued under the California Endangered Species Act (CESA) and the Native Plant Protection Act, Lake and Streambed Alteration Agreements (LSAA), and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Orinda

Objective: The Project would construct a one- to two-story, 32,084-square-foot building with 38 assisted-living units, a parking area with 16 parking spaces and a vehicle turn-around adjacent to the front and delivery entrances, and landscaping.

Location: The Project is located on a single, 1.1-acre property, at 37.86697 degrees latitude, and -122.19611 degrees longitude, Assessor's Parcel Number 273-160-009.

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Timeframe: Project construction would start mid-2019 and continue over approximately 12 to 18 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the City 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 to improve the document.

Pipes, Holes, and Trenches

The use of hollow fence posts, open pipes, holes and trenches during Project construction can pose a risk of wildlife entrapment and mortality. These structures mimic the natural cavities preferred by various wildlife species for shelter, nesting, and roosting. CDFW recommends the following measures to minimize risk of harm to wildlife:

- All pipes, culverts, or similar structures that are stored at the site for one or more overnight periods should be thoroughly inspected for wildlife by a qualified biologist prior to use at the Project site. All hollow pipes or posts installed as part of the Project and exposed to the environment should be capped, screened, or filled with material prior to the end of the work day in which the installation occurs.
- Any open trenches, pits, or holes with a depth of larger than one (1) foot should be covered at the conclusion of work each day with a hard, non-heat conductive material (e.g., plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife should be used to cover open trenches. If use of a hard cover is not feasible, CDFW recommends creating earthen or wooden ramps to allow both small and large wildlife species to exit the trench of their own accord. All trenches, pits, or holes should be inspected daily by a qualified biologist or biological monitor prior to the initiation of construction. If wildlife is discovered, it should be allowed to leave of its own accord.

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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or emailed to CNDDDB at the following email address:

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cnddb@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City of Orinda in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Rippert, Environmental Scientist, at (707) 428-2069 or Jennifer.Rippert@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579 or Melissa.Farinha@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH #2018072015)