

POINT MOLATE MIXED-USE DEVELOPMENT PROJECT

TECHNICAL MEMORANDUM:

RESPONSES TO LATE COMMENTS

INTRODUCTION

This technical memorandum provides responses to comments on the SEIR that were received *after* the public comment period for the Draft SEIR, including comments received *after* publication of the Final SEIR and at the Planning Commission hearings. No new substantial issues were raised in these comments. Although no responses to late comments are required under CEQA¹, this memorandum provides summary responses, including references to where the issues are addressed in the Draft and Final SEIR and some brief explanations and clarifications related to the issues raised.

RESPONSES TO LATE COMMENTS

Late comments on the SEIR were related to the following environmental topics, and the responses are presented in this order.

- Air Quality
- Significant and unavoidable greenhouse gas (GHG) impacts (i.e., emissions above zero)
- Biological impacts – eelgrass, bats, prairie grass, monarch butterflies, migratory birds
- Biological impacts – sensitive habitats and coastal terrace prairie grassland
- Wildlife Crossings/Culverts
- Wildfire
- Emergency Response and Evacuation
- Hazards – location near Chevron refinery
- Consistency of the Project with the Richmond General Plan and the Reuse Plan
- Transportation
- Significant and unavoidable traffic impacts
- Adequacy of Traffic Demand Management (TDM) Plan
- Tribal Cultural Resources – consultation with Confederated Villages of Lisjan

Air Quality

A commenter from the public referred to an air quality study prepared by a commenter on the Draft SEIR and stated that it was “not refuted” in the Final EIR.

¹ Responses are only required for public comments received during the noticed public comment period on the Draft SEIR. (Pub. Resources Code, § 21091(d)(1) [“The lead agency shall consider comments it receives on a draft environmental impact report . . . if those comments are received within the public review period.”].) However, the City in its discretion may voluntarily respond to late comments for informational purposes. (*Id.*, § 21091(d)(2)(A) [“The lead agency may also respond to comments that are received after the close of the public review period.”]; see also Guidelines, § 15088(a).)

An air quality study by SWAPE was submitted as an attachment to the Citizen for East Shore Parks Community Plan letter (Comment Letter O15 of the Response to Comments Document). Responses to the concerns raised in the SWAPE study have already been addressed in detail in the Response to Comments document in the responses to Comments O15-49 through O15-81 (see pages 4-717 through 4-735 of the Response to Comments Document). As noted in these responses, the SWAPE study focused on the potential air quality impacts of a version of the Community Plan, and not of the Modified Project analyzed in the SEIR. Responses to Comments O15-49 through O15-81 provide detailed responses refuting the comments in the SWAPE study, including comments regarding adequacy of the air quality analysis in the SEIR, including level of detail required for alternatives, HRA methodology, and modelling assumptions.

Significant and Unavoidable GHG Impacts (i.e., emissions above zero)

Clarification was requested regarding the determination of Significant and Unavoidable Impacts relating to GHG emissions.

GHG impacts are addressed in Impact 4.2.7 of the SEIR. There are no established thresholds for GHG emissions, so City staff decided to use a conservative net zero GHG threshold. This means that any GHG emissions exceeding zero would be considered significant. The SEIR determined that the Project would result in unmitigated GHG emissions in excess of the very conservative net zero GHG threshold. Therefore, mitigation measures were recommended.

- Mitigation Measure 4.2-1 - Measures to Reduce Construction Emissions
- Mitigation Measure 4.2-2 – Measures to Reduce Operational Emissions
- Mitigation Measure 4.2-5 – GHG Reduction Plan (GHGRP) to reduce net GHG emissions to zero.

GHG Mitigation Measure 4.2-5 requires preparation of a Greenhouse Gas Reduction Plan (GHGRP) to bring the Project's GHG emission to net zero MT/CO₂e. A draft GHGRP was included as Attachment 8 of the Response to Comment Document for public review. A revised draft GHGRP has been completed (dated August 2020) and is included in the errata to the Final SEIR and requires:

- Mitigation Measures 4.2-2, 4.2-3, and 4.2-4 from the SEIR
- Increase On-Site Solar Energy Production
- Commercial Tenants to opt into 100% Carbon-Free Electricity Provider Option
- Electrically Powered Landscape Equipment
- Electrical Vehicle Charging Stations
- Additional Residential and Commercial Bike Parking
- Plant Additional Trees throughout the Project Site
- Install LED Streetlights
- All electric appliances including, but not limited to, water and space heaters and fireplaces.
- Zero Emission Water Taxi
- 75% Solid Waste Diversion
- Contribution to Local Offsets (City's heat capture project)
- Adaptive Management Strategies to adapt to future GHG regulations and policy changes, as well as utilize best available technologies.

With mitigation, emissions are significantly reduced and generally very low, achieving an approximately 42% reduction from unmitigated emissions under the no on-site WWTP scenario, but do not achieve the net zero threshold. This would be true for any project proposed for the Project Site without the use of out-of-City GHG credits, including a park use. The only way to achieve net zero emissions would be the purchase of carbon offset credits outside the City and air district. However, as revised and clarified in Section 2.2.6 of the Response to Comment document for revisions in Draft SEIR Section 4.2, page 4.2-52 and 4.2-53, the City has concluded that out-of-jurisdiction GHG emission reductions do not meet its policy of focusing on GHG reduction measures as they do not provide co-benefits to the same degree as local offset projects. The local offset projects, which typically cost many hundred times more than registry credits, produce co-benefits, such as better air quality for the community or local jobs. The City has identified one local offset project and the Applicant has agreed to fund the construction of that Project, which would result in GHG emission reductions of 595 MT CO₂e/year (approximately 5% reduction from unmitigated Project emissions); there are no other identified local offset projects at this time. In addition, there is no guarantee that registry offset credits would be available timely, and several recent cases in California Courts of Appeal have found that offset credits—particularly those that are not within the air basin of the proposed Project—may not constitute effective, feasible, enforceable mitigation under CEQA. (See, e.g., *Golden Door Properties v. County of San Diego*, 4th Dist. 6/1/2010.) Therefore, because even after incorporating the extensive measures in the GHGRP, the Project cannot currently achieve the extremely conservative significance threshold of net zero emissions, this impact is being deemed significant and unavoidable.

Biological impacts – eelgrass, bats, prairie grass, monarch butterflies, migratory birds

Commenters expressed concern that the Project would result in adverse impacts to eelgrass. As described in detail in the SEIR, eelgrass beds would not be directly removed or affected as a result of the Project. Mitigation Measure 4.3-4 requires the construction and operation of the Project to completely avoid the eelgrass bed habitat. Although indirect impacts are not anticipated, given the sensitivity of this resource, Mitigation Measure 4.3-4 requires preparation of an eelgrass monitoring plan, including ongoing surveys during pier work and three years after pier work is complete. If surveys indicate any adverse indirect impact on eelgrass, a plan will be developed to provide for no net loss of habitat function through in-kind creation, restoration, or enhancement of habitat at a 1.2:1 ratio, purchase of mitigation credits, in-lieu fee contribution, or out-of-kind mitigation only if in-kind mitigation is infeasible. The eelgrass mitigation plan shall be provided to NMFS and the SFBRWQCB for review and approval within 60 days of the determination of adverse impacts.

While there is potential for indirect impacts such as artificial lighting and impaired runoff to impact the eelgrass bed habitat, Mitigation Measures 4.3-4, as well as 4.8-1 (Stormwater Pollution Prevention Plan Best Management Practices), 4.8-2 (Demolition and Containment Plan), 4.3-6 (Nighttime Lighting Plan), are designed to prevent indirect impacts from having any significant impacts on eelgrass bed habitat.

Commenters also expressed concern that the project would result in adverse impacts to birds, bats and Monarch butterflies. Mitigation Measures 4.3-1 through 4.3-8 will reduce impacts to special-status species to a less-than-significant level. With mitigation, the Project will have a less-than-significant impacts on special-status species.

Special-Status Birds. A complete analysis of impacts to special-status birds is included under Impact 4.3.1 of Section 4.3.5.4 (page 4.3-63) of the Draft SEIR. Mitigation Measures 4.3-3, 4.3-5, 4.3-6, 4.3-7, and 4.10-1 contain protective measures that would reduce impacts to special-status birds due to construction disturbance during the nesting season, artificial lighting, and increased predation on birds through attraction of scavenging predators. Impact 4.3.1 and Mitigation Measure 4.3-5 specifically address nesting birds and, as discussed in detail in the discussion of Impact 4.3-1, the entirety of the Project Site has the potential to support nesting birds or fall within a disturbance buffer of suitable nesting habitat.

Special-Status Bats. Impact 4.3.1, discussed in Section 4.3.5.4 (page 4.3-63) of the Draft SEIR, provides an analysis of Project impacts to special-status bats. Any potential for disturbance of bats during building rehabilitation, removal of buildings, and removal of trees with suitable roost habitat will be reduced to a less-than-significant level through Mitigation Measure 4.3-8 which requires pre-construction surveys to identify roost sites and exclusion of bats from roost habitat prior to roost removal or rehabilitation pursuant to an exclusionary plan.

Monarch Butterflies. As described in the detail in the SEIR, including in Response to Comment I16-1, there are no known significant monarch butterfly roost sites on the Project Site, and there are no known CDFW or USFWS records of this species occurring on the Project Site. Mitigation Measure 4.3-20 defines appropriate survey methods and timing that would target the potential habitat during the overwintering season within which monarch butterflies may be present on the Project Site. Mitigation Measure 4.3-3 requires training of construction personnel on the identification and response to special-status species presence on the Project Site. Therefore, should monarch butterflies be observed roosting in sub-optimal habitat on the Project Site, construction personnel will be trained to identify the roost, halt work in the vicinity, and notify the proper personnel to implement the appropriate avoidance measures. With implementation of these mitigation measures, impacts to the monarch butterfly will be less than significant.

Sensitive Habitats and Coastal Terrace Prairie Grassland

Commenters expressed concern regarding the surveys of grasslands, including comments that the surveys were performed at the wrong time, habitat classification of grasslands, and impacts to habitats.

The commenter states that the RTC and 2020 Supplemental Habitat Analysis do not show an overlay of the Project's final footprint on sensitive habitat areas. Terrestrial habitats observed on the site are shown in Figure 3 and summarized in Table 2 of the Supplemental Habitat Analysis, included as Attachment 15 to the Response to Comments document. Impacts on biological resources related to development of 30 percent of the Project Site were analyzed within Section 4.3.5 of the SEIR. Attachment 7 of the Response to Comments Document included the grading limits of the Refined Project and Bay Trail as Figure 7. Section 3.3 of Attachment 7 identified habitats within the grading limits of the Project and Bay Trail crossing the Project Site combined, and shows a decrease in impacts to coastal terrace prairie compared to the larger grading extent analyzed in the Draft SEIR. Habitat impact acreages were calculated using Geographic Information System (GIS) software for habitats illustrated in Figure 4.3-1 of the Final SEIR overlaid with the grading extent illustrated in Attachment 7 of the Response to Comments Document.

The commenter states that performing the Supplemental Habitat Analysis in May 2020 resulted in missing species, for example California oatgrass. As described in Chapter 4.3 of the SEIR, biological surveys on the Project Site have been performed regularly for many years during various times of the year and are continuing to be performed to monitor naturally shifting biological resources. The Final SEIR provides results from the most recent biological surveys completed in May and June of 2020 (Attachment 15 of the Final SEIR; 2020 Biological Report). In all biological surveys on the Project Site, plant species were identified to the lowest taxonomic level possible using, amongst other resources, The Jepson Manual: Vascular Plants of California 2nd Edition (Baldwin et al. 2012 as cited in the Final SEIR). Qualifications for the biologists that completed the 2020 surveys are attached. The analysis based on the 2020 biological surveys also considered site-specific information from biological surveys completed on the Project Site prior to 2020, including the 2019 biological surveys completed in March and July. Additional pre-construction surveys also will be conducted prior to construction, given the long buildout of the Project and the potential for grasslands and other natural communities to shift over time. The requirement to identify and mitigate for precise impacts to habitats at the time of impacts is required by mitigation presented in the Final SEIR.

With respect to California oatgrass in particular, which is specifically referenced by the commenter, this species was observed during the 2020 surveys, and its presence on the Project Site is noted within Attachment 15 of the Response to Comments Document (see page 16). The Biological Assessment completed in support of the 2011 FEIR and published in Appendix J of that EIR, also documents the presence of California oatgrass on the Project Site. May and June are within the bloom season of this grass (https://plants.usda.gov/factsheet/pdf/fs_daca3.pdf), as well as other species that may be found on the Project Site such as purple needlegrass, and therefore surveys were conducted to coincide with the blooming season of these native grasses.

The commenter notes that the areas over the underground tanks are identified in the surveys for the 2020 Supplemental Habitat Analysis as ruderal and suggests that the finding of “few native species” resulted from doing the surveys at the wrong time, and were unreliable due to recent mowing (i.e., in July). With respect to the timing of the most recent surveys, the 2020 Botanical Report contains a typo in Section 3.1, where the report month (July) is used in place of the survey months (May and June). As stated on page five of the report, the surveys occurred on May 19, 20, 26, and 27, and June 4, not July. In most cases the membership rules for natural communities are defined by criteria such as relative cover of dominant plants, or indicator species that are considered diagnostic. However, in some cases it was necessary to classify developed and disturbed ruderal habitats, or non-vegetated areas. Further, as stated within the Final SEIR (Attachment 15 of the Response to Comments document), areas on top of underground storage tanks are highly disturbed from past development, such as earthmoving, excavation, and leveling, and ongoing vegetation management, including regular mowing. While regular mowing can increase the difficulty of identifying individual grasses, ongoing surveys over years have consistently identified high levels of non-native species with an overall species composition that does not qualify this habitat type as a sensitive native grassland. This habitat type is therefore classified as ruderal/ disturbed and has been in all surveys of the Project Site from 2005 to the most recent 2020 surveys. Surveys completed for the Navy in 1998 (Tetra Tech, 1998 as cited in the Final SEIR) similarly did not identify natural communities on top of the fuel storage tanks. Special-status plants have never been identified on top of the

underground fuel storage tanks, and hiking on these areas would not impact sensitive biological resources.

The commenter questions the survey methods used to assess botanical resources and states that species and sensitive habitats may have been missed. As described in the SEIR, site surveys conducted prior to 2020 primarily consisted of pedestrian-level surveys that involved walking transects throughout the Project Site. With respect to survey methods for the 2020 biological surveys, these are described in detail in Section 2.0 of Attachment 15 to the Response to Comments Document and included qualitative sampling methods outlined in the CDFW-CNPS Protocol for the Combined Vegetation Rapid Assessment and Relevé Field Form. For all surveys that have been conducted on the Project Site, the utilized survey methods were consistent with standard practices and were sufficient to survey the site, including the development footprint, for botanical resources.

The commenter's characterization of field surveys as providing low coverage and being overly reliant on the use of binoculars is incorrect. As stated in Section 4.3 of the Final SEIR, "When the ability to walk a transect was impeded, for example due to the risk of traversing extreme slopes, results were based upon the observations made from the nearest safe transect with the assistance of binoculars and aerial imagery as needed. In general, the development footprint was within areas that were reasonably safe to access and survey." Areas of extreme slopes (up to 46 percent grade) that would imperil the personal safety of surveyors similarly exclude development and are therefore not within an area that would require intense botanical surveys because such areas would remain undisturbed. The Final SEIR acknowledges that there are minimal undevelopable areas that could not be surveyed due to the risk of attempting to walk these areas. All areas within the development footprint were walked and surveyed.

The commenter also states that use of methods to estimate plant cover, such as the California Native Plant Society's Rapid Vegetation Assessment and Relevé protocol, is necessary to estimate species coverage, and the commenter did not see a discussion of such methods. Methods for the 2020 biological surveys are included in Section 2.0 of Attachment 15 to the Response to Comments Document and included the qualitative sampling methods outlined in the CDFW-CNPS Protocol for the Combined Vegetation Rapid Assessment and Relevé Field Form. This is the same protocol requested by the commenter. Of the two methods outlined in CDFW-CNPS Protocol for the Combined Vegetation Rapid Assessment and Relevé Field Form (Rapid Assessment and Relevé), surveys followed the Rapid Assessment methods. The Rapid Assessment method utilizes a "representative area" rather than a "bounded plot" when selecting a sample area. As stated on the CDFW-CNPS Protocol for the Combined Vegetation Rapid Assessment and Relevé Field Form, both methods result in the collection of the same environmental data. For biological surveys on the Project Site, including the 2020 Biological Report, representative plant samples were collected as needed when an in-field verification was not possible. This allowed surveyors to key out species in the lab, utilizing microscopes to view plant characteristics not visible to the naked eye. The majority of species were identifiable in-field. The assessment also mapped the current distribution of habitats (see Figure 3 of 2020 Biological Report).

As it relates to the ten-percent method, CDFW states that, for some grasses, areas as low as 10 percent native cover may be considered a native grass stand. Ten percent native cover is therefore the lowest percent cover at which CDFW would consider a stand of grasses to be native. However, this percentage varies depending upon the grasses surveyed, and there is no described methodology that identifies how

to determine the appropriate native cover percent threshold. This method is therefore not considered to be a universal rule. Additionally, CDFW states that this method is currently used by the California Native Plant Society, NatureServe, and CDFW surveyors to answer the question of whether or not a stand is considered native; however, this method is not a component of CDFW survey protocol for assessing impacts to habitat, as it does not identify specific habitat types or habitat sensitivities. Therefore, the biological surveys completed on the Project Site utilized methods that allowed for the types of native grass habitats to be identified, along with their corresponding sensitivity level. Because there are many types of native grass habitat within California, and because not all of these native grass habitats are considered sensitive, use of the 10-percent native cover classification would not have allowed for the identification of specific impacts to sensitive habitat types.

The commenter states that the clarifications in the Final SEIR regarding coastal terrace prairie are “wholly inadequate,” although the comment does not identify any particular deficiency. These clarifications are adequate and describe how current habitat classifications systems relate to the systems used in the 2011 EIR, which forms the basis for the subsequent EIR (SEIR). As stated in Master Response 8 of the Response to Comments Document, CDFW published Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (Protocol) in 2018, following completion of the 2011 FEIR. As part of this Protocol, CDFW maintains a list of natural communities (habitat types). The 2020 Supplemental Habitat Analysis provided a “crosswalk” of the vegetation community classifications based on this natural communities list. As used by CDFW and the California Native Plant Society, a crosswalk is a method of translating one habitat type identified utilizing one habitat classification system into the correlating nomenclature based on a different classification system. Coastal terrace prairie is a broader classification that can be crosswalked into a number of CDFW’s natural communities depending on the species composition present. Therefore, CDFW’s Protocol provides a more specific description of coastal terrace prairie, including percent cover requirements of individual plant species. Additionally, CDFW provides a sensitivity ranking for habitats on the Natural Communities List. Sensitive communities are ranked using the National Vegetation Classification System standards; ranks of S1-S3 are considered Sensitive Natural Communities to be addressed in the environmental review processes of CEQA, as discussed in detail in Master Response 8 of the Response to Comment document. Therefore, use of CDFW’s Natural Communities List allowed for a more quantitative assessment of species composition and sensitivity ranking. Because of this, the Final SEIR retains the use of “coastal terrace prairie” as a habitat type, but requires mitigation to occur in-kind based on CDFW natural communities classifications, which provides a more rigorous and specific standard by which to develop mitigation.

The commenter lists several Natural Communities that would correlate to coastal terrace prairie when crosswalked with CDFW’s Natural Communities List that the commenter believes could be on the Project Site, but the comment does not provide any additional information that any of these communities are present on the Project Site. These habitats listed by the commenter were not observed during any of the biological surveys done on the Project Site. As described above, surveys were conducted according to standard practices and were sufficient to survey the Project Site, including in particular the development footprint, for botanical resources. The current distribution of habitats is shown in Figure 3 of the 2020 Supplemental Habitat Analysis.

The commenter states that the Navy's historic use of the Project Site "preserved the natural landscape, native plants, and habitats from many impacts such as livestock grazing, development through the 20th Century, and other uses." Contrary to the commenter's opinion, disturbance from prior Navy use did not preserve the natural communities such as coastal terrace prairie on the Project Site. Rather, Naval use of the Project Site resulted in significant areas of development, planting of non-native eucalyptus trees, and hazardous contamination of the environment, with effects lingering today from an on-site landfill, metals from sandblast grit disposal sites, ongoing monitoring of a contaminated liquid waste site for which 100,000 cubic yards of dirt have been removed, and soil and groundwater contamination with volatile organic compounds resulting from underground and above ground fuel storage tanks across the Project Site. This was detailed in Section 4.7.3 of the Draft SEIR.

The commenter states that development of 30 percent of the Point Molate landscape will have indirect impacts on the native plant communities and shoreline habitats, including habitat fragmentation, weed invasions, and impacts from vegetation treatments to reduce fire potential in housing buffer zones. Indirect impacts were considered in the Draft SEIR. Vegetation clearing, including clearing on and around residential lots, would be considered an impact to habitat. Should these activities impact a sensitive habitat, mitigation would occur as outlined in the SEIR. This is considered a direct impact. Sensitive habitat mitigation in the SEIR is in-kind and would occur at a mitigation ratio exceeding 1:1. The SEIR recognizes the potential for the introduction of weedy species to the Project Site. Mitigation Measures 4.3-3, 4.3-9 through 4.3-12, and 4.3-18 all contain measures to either reduce the presence of existing invasive vegetation on the Project Site, or reduce the likelihood that the Project would introduce invasive vegetation. It was noted throughout the SEIR that native vegetation on the Project Site is already under pressure from existing invasive species and that native vegetation is being out-competed due to a lack of current vegetation management. As discussed in the SEIR, the Project Site is within a peninsula that is biologically isolated and does not provide contiguous habitat valuable to dispersing wildlife. It is additionally noted that the Project is clustered and targets previously developed areas and allows for the open space to be contiguous. Moreover, the substantial majority of native vegetation will be avoided, preserved, and managed, and so the possible adverse impacts are grossly overstated. Native vegetative communities identified on the Project Site include coastal terrace prairie, coastal scrub, mixed riparian, tidal marsh, and seasonal wetland. The Project would avoid impacts to a minimum of 62.6 percent (6.7 acres) of coastal terrace prairie, 74.7 percent (43.5 acres) of coastal scrub, 93.4 percent (3.6 acres) of mixed riparian habitat, 100 percent (0.11 acres) of tidal marsh, and 69.3 percent (1.9) of seasonal wetlands. As noted in the SEIR, these numbers represent the minimum acres of preserved habitat. Final lot alignments may result in an increase in preserved habitats, but would not be below these numbers. It is additionally noted that the Project would not remove any of the eelgrass beds or beach strand habitat on the Project Site. For those native vegetative communities impacted by the Project, the SEIR requires mitigation in the form of in-kind habitat preservation with long-term invasive species management, habitat creation in areas of invasive vegetative communities, and/or habitat restoration of degraded natural communities at a ratio exceeding 1:1.

The commenter states that the location of storage tanks on the hillside above the proposed housing in the open space, with possible location of hiker overlooks along trails, will further disturb and eliminate native plant communities and wildlife habitats. As stated above, areas on top of underground storage tanks are highly disturbed from past development and ongoing vegetation management, including regular mowing. This habitat type is classified as ruderal/ disturbed. Special status plants have never been identified on

top of the underground fuel storage tanks, and placement of new tanks on these areas would not impact sensitive biological resources.

A commenter raised concern over whether use of a native plant palette as mentioned in the stormwater drainage design would be adequate to reduce impacts to coastal terrace prairie. This stormwater drainage design is not the mitigation measure for coastal terrace prairie impacts. Impacts to coastal terrace prairie would be carried out through the mitigation (Mitigation Measure 4.3-18) identified in the SEIR and would include preservation, restoration, and replacement at a 2:1 ratio. The commenter raises concerns that mitigation would not offset impacts. This mitigation is required to be completed in-kind and defines minimum success criteria such that mitigation would not be deemed complete until success criteria are met.

The commenter mentions that the East Bay Regional Park District wants to see more contiguous and large open spaces and more clustered housing units. Generally, in line with the general intent of the East Bay Regional Park District and other public comments, the Project is designed to cluster development, as shown by the fact that only 30 percent of the above-water land would be developed and 70 percent of the above-water land remains undeveloped. The Project's development is mainly proposed for areas historically used by the Navy, including a former drum lot, and development would be clustered around the Winehaven Historic District.

The commenter asks about "privatized open space." The commenter appears to be confused over a discussion regarding whether homes should have bigger yard requirements. The Design Review Board requested larger yards for each home, which would be private. The project applicant requested small private yards to maximize the public open space. The privatized open space mentioned by Nicole Emmons referred to the idea of making lots larger for each home rather than keeping lots small and maximizing the space available to the public.

The commenter is dissatisfied with the Final SEIR's response to her comment concerning Molate red fescue. Molate red fescue is not recognized as a distinct species and is classified as red fescue (*Festuca rubra*) both in the Final SEIR and by the commenter. Please refer to the Response to Comment O10-3 presented in the Response to Comment Document regarding red fescue on the Project Site, and its occurrences elsewhere within California. While economic impacts that lack a secondary environmental impact do not require analysis under CEQA (See Master Response 5 in the Response to Comment Document), it is, however reasonable to assume that the Project will involve the purchase of local nursery stock for the purpose of required mitigation activities, and may therefore provide an economic benefit to nurseries carrying stock of red fescue.

A commenter raises concerns over the coastal terrace prairie crosswalk provided in the 2020 Biological Report and provides a reference to the red fescue alliance within A Manual of California Vegetation. Please refer above and to Master Response 8 of the Response to Comment Document for further discussion on the habitat crosswalk. The commenter states that the Purple Needle grass - melic grass grassland (Alliance) is not a suitable habitat to represent coastal terrace prairie. It is noted that A Manual of California Vegetation identifies coastal terrace prairie under "Other habitat, alliance and community groupings" for the red fescue alliance. Given the time that has passed since the classification of coastal terrace prairie on the Project Site for the 2011 FEIR, the 2020 Biological Report provides a crosswalk that

identifies habitat types based on present-day conditions. Had the crosswalk been able to provide field observations of site conditions a decade ago, the crosswalk might have identified habitat types correlated to coastal terrace prairie. Even at the time of the 2010 Supplemental Habitat Analysis, the report identified that, "With the exception of study areas BB and CC, the hillside coastal prairie grasslands are now better characterized as Bald Hill Prairies," and that, "The Bald Hill Prairie on the project site most closely resembles the Purple Needlegrass Herbaceous Alliance, and the Purple Needlegrass-Wild Oat (*Nassella pulchra*-*Avena fatua*) Association (Sawyer et al., 2009)." Therefore, identification of Purple Needle grass - melic grass grassland (Alliance) in the habitat crosswalk for coastal terrace prairie is consistent not only with CDFW's current habitat classifications, but with the Manual of California Vegetation cited by the commenter. It is noted by the commenter, and in Master Response 8 that the Project Site is within an area that has not been mapped in the CDFW VegCamp database.

The commenter claims the SEIR failed to treat coastal scrub as sensitive. But the Draft SEIR treated coastal scrub as a sensitive community and requires in-kind mitigation for impacts to coastal scrub in Mitigation Measure 4.3-11. Revisions to the Draft SEIR, as described in Master Response 8, clarify this mitigation such that mitigation occurs in-kind based on the CDFW Natural Communities List, which provides more detailed habitat classification requirements that mitigation activities would be held to in order to meet the muster of in-kind mitigation. This mitigation is required regardless of the fact that coastal scrub is not comprised of sensitive alliances and is not typically treated as a sensitive species for CEQA purposes.

The commenter states that grasslands would not be delineated until the time of impact, and that this would be too late if sensitive vegetative associations were found. As described in the SEIR, including the Supplemental Habitat Analysis in Attachment 15 of the Responses to Comment document, numerous botanical surveys have been conducted over a period of years. The most recent surveys were conducted in May and June 2020 and described, among other things, grasslands on the site. Given that buildout would occur over many years, mitigation measures would require certain additional biological surveys prior to construction in order to assess biological conditions at the time of physical impact. Future surveys, however, would be in addition to, not in lieu of, surveys describing the current status of biological resources on the Project Site.

The commenter states that fire management is not consistent with conservation of biological resources and asks for additional details about vegetation management that would occur as part of fire management. The commenter appears to be conflating two different mitigation measures: the biological mitigation measure and the fire mitigation measure:

- Mitigation measure 4.3-13 requires a vegetation management plan to ensure that future users of the site continue to protect its biological resources. This plan requires use of native plants and trees in development areas, sourcing native vegetation as locally as feasible, prohibiting future site occupants from planting in natural open space areas designated for habitat preservation or restoration, and prohibiting future site occupants from removing vegetation from designated natural open space areas, except as permitted by other mitigation measures, to remove invasive species, clear hiking trails, and removed dead/dying specimens. This plan also must include information for future site occupants about native species, sensitive habitats, and the prohibition of pesticides. This information, as well as the required environmental awareness training

(Mitigation Measure 4.3-3), would ensure contractors know what plants are weeds and what are native coastal prairie species. This mitigation measure has a clear goal: prevent future site occupants from interfering with the habitat restoration and conservation that will occur in the open space areas and lists the measures that accomplish the goal.

- Mitigation measure 4.7-3 requires the applicant to submit a Wildfire Emergency Response Plan (WERP) to address existing wildfire risk. The WERP is included as Attachment 16 to the Response to Comments Document. The WERP outlines how removed invasive broom and eucalyptus will be replaced with native coast scrub and grasslands. (WERP, p. 54.) It also outlines the methods to control the fuel load and when each method would be appropriate. The WERP does not recommend grazing based on current site conditions, but notes that focused grazing, if highly managed, could be a tool for specific needs adjacent to roads, areas where you would not want mechanical equipment, and potentially in fuel modification zones. (WERP, p. 61.) The WERP prohibits chemical treatment to protect eelgrass communities. (WERP, p. 62.)

The commenter raises concerns that the analysis of GHG and climate change did not account for the alleged “high carbon sequestration” currently present on the site. As stated in response to Comment I11-18 of the Response to Comment Document, “[t]he Point Molate area is also not a major source of carbon sink. The total carbon storage capacity of the Project Site was estimated to be less than 1 percent of the carbon storage capacity in all of Contra Costa County^{17F} and about 0.0003 percent of the State wide capacity.”

The commenter suggests that the people of Richmond would be better served by more parkland than housing, and that accessibility for under-served urban communities is lacking. The Project provides 193 acres of parks and open spaces. In addition, according to the General Plan, the City has 5,718.5 acres of regional parks and a total of 6,527.5 acres of all types of parks, and a population of approximately 103,701 residents. The City thus has 55 acres of regional parkland per 1,000 residents and 62 acres of all park per 1,000 residents, which is much higher than most cities. Conversely, the need for housing at all income levels within the City is substantial. Ultimately, however, the precise balance of housing, park lands, and open space is a policy matter for the City Council, which is informed by the Base Reuse Plan that has already reserved 70 percent of Point Molate for park lands and open space.

Wildlife Crossings/Culverts

Wildlife Crossings. The Design Review Board recommended that wildlife crossings for Stenmark Road be evaluated for inclusion in the Project. Such crossings would not be required as a mitigation measure. Stenmark Drive is an existing roadway, and the Project would not install fencing or other barriers that would exacerbate the extent to which it already acts as a barrier to wildlife movement. Indeed, there are no special-status wildlife species that cross Stenmark Drive under existing baseline conditions, and this is not expected to be an impact of the Project. Further, as described in detail in Impact 4.3.4 of the SEIR, the Project Site would not result in impacts to a known wildlife corridor because the majority of the Project Site would be retained as open space with development clustered and concentrated on and around existing development. Development restrictions would result in approximately 70 percent of terrestrial habitat undeveloped as a result of the Project. Additionally, due to the isolated nature of the Project Site, wildlife use and movement through the Project Site is already limited.

Culverts. Commenters expressed concerns that existing culverts should be removed to daylight watercourses. As noted in Response to Comment A9-9, Section 15.04.302.010 of the Richmond Municipal Code establishes regulations and standards to preserve and enhance the City's creeks and riparian corridors. The regulations apply to all creeks and riparian systems as defined in the General Plan and shown in Figure 15.04.302.030, which illustrates existing creeks and drainages in the jurisdiction of the municipal code and identifies which of those creeks and drainages have the potential to be daylighted. Neither the General Plan nor this figure identify any creeks on the Project Site that are subject to Section 15.04.302.010 of the Richmond Municipal Code. Therefore, there is no requirement to daylight creeks on the Project Site. Moreover, while daylighting might improve existing baseline conditions, the current conditions are not an impact of the Project.

Wildfire

Commenters expressed concern about development within an area classified as a Very High Fire Hazard Severity Zone.

The Project will be required to comply with City Zoning Ordinance Article VIII (Fire) Section 8.16.080 which includes:

- a buffer zone that must be 100 by 30 feet.
- building standards for reducing fire risk (e.g., slanted roofs to prevent vegetation debris accumulation and fireproofing).
- vegetation management for reducing fuel loads, specifically referring to City Resolution 192-95.

Impacts related to wildfire were addressed in Impacts 4.7.5 and 4.7.6 of the SEIR, which concluded that the Project would not exacerbate existing wildfire risk. Mitigation measures identified in the SEIR related to wildfire are:

- Mitigation Measure 4.3-13 – Requires the Open Space Plan to include fuel reduction measures.
- Mitigation Measure 4.7-2 - Requires methods to reduce fire ignition during construction due to sparks generated from equipment.
- Mitigation Measure 4.7-3 – Requires Wildfire Emergency Response Plan (WERP).

The Draft WERP was included as Attachment 16 to the Response to Comments Document, and includes:

- Protecting structures through ignition-resistant building materials and methods.
- Providing suitable defensible space.
- Providing vegetation management in the open space (removal of exotics and dead and dying vegetation).
- Post-Wildfire Response Measures
 - Soil stabilization
 - Control water, sediment, and debris movement
 - Prevent impairment of ecosystems
 - Address significant threats to health, safety, life, property, and downstream values at risk.

The WERP has been reviewed by the City Fire Marshall and is undergoing minor refinements per the City's direction. As per Mitigation Measure 4.7-3, the WERP shall be finalized and approved by the City Fire Marshall prior to issuance of the first building permit for the Project.

Emergency Response and Evacuation

Commenters expressed concern about development on the Project Site due to the single access route via Stenmark Drive.

The Project includes an on-site joint fire and police substation, which will reduce response times to inhabitants of the Project Site and provide immediate coordination for evacuation of the Project Site. Additionally, the Project includes the widening of Stenmark Drive to accommodate 12-foot vehicle travel lanes, two southbound lanes from 500 feet north of the Dutra Materials Road intersection to I-580 ramps, and two 5-foot class II bicycle lanes. These improvements would allow for emergency access even during peak commute times and easier evacuation of the Project Site.

Emergency Evacuation was addressed in Impact 4.7.4 of the SEIR. Mitigation Measure 4.7-1 requires the development and implementation of a site-specific emergency response plan (ERP) to ensure the safety of Project residents and employees during an emergency. The ERP is required to identify emergency evacuation routes via land and water and appropriate situations to shelter-in-place, in the event of an earthquake, wildfire, or chemical release. A Draft ERP was included as Attachment 9 to the Response to Comments Document. The ERP has been reviewed by the City Fire Marshall and is undergoing refinements per the City's direction. As per Mitigation Measure 4.7-1, the ERP shall be finalized and approved by the City Fire Marshall prior to issuance of the first building permit for the Project.

Stenmark Road frontages will be available for emergency vehicle use in the event that the roadway is congested, and emergency vehicles need access. Water evacuation will be facilitated by the improvements to the pier and improvements in shoreline access. Evacuation routes and evacuation assembly areas are identified in the ERP and were presented to the Planning Commission.

Hazards – location near Chevron refinery

Comments were received during the comment period on the Draft SEIR and at the hearing that the location of the Project near the Chevron refinery presented issues related to hazards.

As discussed in detail in the SEIR and the Responses to Comments Document, an Emergency Response Plan (ERP) has been prepared for the Project pursuant to the requirements of Mitigation Measure 4.7-1 and included as Attachment 9 to the Response to Comments Document. This ERP addresses potential hazardous incidents (including those from the Richmond Chevron Facility). The ERP includes an alarm system, shelter-in-place procedures and signage, emergency supply kits, and evacuation procedures. Implementation of the ERP would minimize conflicts related to public safety, human or environmental health, and nuisances consistent with General Plan Policy LU5.3. As discussed in Section 4.7.5 in the Draft SEIR, the Project would not increase risk of a chemical release incident, including from the Richmond Chevron Refinery facilities. Furthermore, as pointed out in the Response to Comments

Document, the Richmond Chevron Refinery also maintains its own safety plan to prevent accidental releases from its facility.

Consistency of the Project with the Richmond General Plan and the Reuse Plan

Commenters raised concerns about the Project's consistency with the current language of the General Plan and conceptual land use and open space plans of the Reuse Plan.

Consistency of the Project with the Richmond General Plan and the Reuse Plan was addressed in Impact 4.9.1 and Appendix L of the SEIR. The Project includes a General Plan Amendment and rezoning to change the Project Site General Plan land use designations and zoning designations to allow for the proposed development. Therefore, if the Project is approved, it will be consistent with the General Plan as amended.

The purpose of the Reuse Plan was to serve as a high-level guide for the coherent reuse, preservation, and development of the Project Site and to provide development options. As described in response to Comment O1-3 of the Response to Comments Document, the Reuse Plan offers suggestions for development and provides examples of opportunities and constraints for the different land uses on the Project Site, but allows flexibility in final development decisions given consistency with other regional regulations and planning documents, including the General Plan. The land use and open space plans in the Reuse Plan are labeled "conceptual" and the Reuse Plan envisioned additional planning efforts would be needed and would revise and refine its conceptual plans. The Project is generally consistent with the Reuse Plan as it includes:

- Preservation of Historic District;
- Retention of 70 percent of Open Space; and
- Incorporates ideas from the proposed reuse potential described in the Reuse Plan, including permitting residential and commercial uses, providing a shoreline park, and providing trails through hillside open space.

Transportation

A commenter from the public referred to a traffic study prepared by a commenter on the Draft SEIR and stated that it was "not refuted" in the Final EIR.

A transportation report by Tom Brohard and Associates (Brohard Report) submitted by a commenter evaluated the traffic impacts of the Citizen for East Shore Parks Community Plan and compared those impacts to those disclosed for the Project in the SEIR. The report did not re-evaluate the traffic impacts of the proposed Project. Both the Brohard Report and the Draft SEIR conclude that the Community Plan (Alternative D in the Draft SEIR) would have fewer adverse transportation impacts than the Project. While the Community Plan Alternative would generate less traffic, the Brohard Report fails to note that most of the major transportation improvements that are included as part of the Project would also be required for the Community Plan Alternative, including the reconstruction of over a mile of Stenmark Drive, installation of a traffic signal and the realignment of Dutra Materials Road, and substantial widening of Stenmark Drive in the vicinity of the I-580 freeway. The other off-site intersection improvements required for the

Project and not the Community Plan Alternative are relatively minor. The Project applicant would improve the impacted intersections within the City's jurisdiction and would seek the permits necessary to make the improvements to impacted offsite intersections identified in the SEIR. It is anticipated that the applicant will receive the requested permits and would construct the improvements, but because the City does not control the decision or timing of the permits, the SEIR concludes these impacts are significant and unavoidable.

Significant and Unavoidable Traffic Impacts

Clarification was requested regarding the determination of Significant and Unavoidable Impacts relating to traffic.

The SEIR identifies significant unavoidable traffic impacts related to congestion at the following intersections:

- Castro Street and the I-580 WB Off-Ramps/Chevron® Entrance (Existing + Project and Cumulative + Project) - Currently failing LOS
- Richmond Parkway and San Pablo Avenue (Cumulative+ Project) – Currently failing LOS
- Blume Drive/I-80 WB Ramps and Richmond Parkway (Existing + Project and Cumulative+ Project) – Currently failing LOS
- Richmond Parkway and Goodrick Avenue (Existing + Project and Cumulative+ Project) – Currently failing LOS

Mitigation measures are identified in the SEIR. However, these mitigation measures are outside of the City's control as they are in Caltrans or County jurisdiction. Thus, the City cannot ensure these mitigation measures will be approved. Therefore, these impacts were found to be significant and unavoidable in the SEIR. If the permits are granted by Caltrans and/or Contra Costa County, the mitigation measures would be implemented and the impacts would be reduced to less than significant.

The delay index on westbound I-580 during the AM peak hour currently exceeds the MTSO of 2.5 and therefore any increase to the delay index resulting from the Project would be considered a potentially significant impact. The Project would increase delay index by 0.2 over baseline. Mitigation Measure 4.13-3 (STMP fees) would reduce the impact, but not to a less than significant level. To mitigate this impact, necessary improvements would include adding westbound lane capacity on the Richmond San-Rafael Bridge. However, Caltrans has no existing plans or financial commitments to widen the Richmond San-Rafael Bridge. If such plans and financial capital are secured in the future, the bridge widening likely would not be completed by the time the Project is operational. Because there is no planned improvement to which the project could contribute its fair share and the improvement is outside of the City's control, this impact is deemed significant and unavoidable even if the impact might be mitigated at some point in the future.

Adequacy of the TDM Plan

A commenter raised concerns about the TDM Plan achieving the estimated trip reductions and VMT reductions. Specifically, the commenter raised concerns about potential double counting of trip reductions and VMT reductions from the TDM measure to provide a shuttle to the Richmond BART station (TDM

Measure 1) and the measure to provide a guaranteed ride home program (TDM measure 2). Additionally, the commenter raised concerns regarding the feasibility of the TDM measure to provide Water Taxi Service (TDM Measure 10) to actually reduce VMT, but rather just replace automobile VMT with water taxi VMT.

With regards to the concern that two of the TDM measures possibly double count the reduction percentages, it should be noted that while the TDM measures add up to a 31-percent trip reduction and 28-percent VMT reduction, only a 20-percent VMT reduction is relied upon in the traffic analysis consistent with guidance from CAPCOA. This is because VMT reduction measures are not additive – in other words, if a commuter is offered three alternatives to a single occupancy vehicle, such as a ferry, a shuttle, and a bike route, he or she can only select one, and there is only one trip to offset. Therefore, even if the percent reduction from the guaranteed ride home program is removed, a 20- percent trip reduction would still be achieved. Moreover, the City will monitor the Project’s trips and if the TDM measures fail to result in the required 20-percent trip reduction (which is not anticipated), the City would require additional measures, such as a more frequent (lower headway) shuttle to BART, adding a shuttle service to the Richmond Ferry Terminal, or additional on-site, end-of-trip amenities².

The commenter states that automobile trips would be replaced by water taxi trips and that water taxi VMT is still VMT. However, according to guidelines provided by the State of California’s Governor’s Office of Planning and Research (OPR)³ states that: “For the purposes of [Section 15064.3(a)], ‘vehicle miles traveled’ refers to the amount and distance of *automobile travel* attributable to a project.” Here, the term “automobile” refers to on-road passenger vehicles, specifically cars and light trucks. Therefore, taking vehicles off of the roadway network to use the water taxi would reduce VMT. Because water taxi VMT is not the same as automobile VMT, TDM measure 10 would in fact reduce VMT.¹ Further, the GHGRP requires the use of a zero-emission water taxi for the Project; any automobile trips that would be converted to water taxi trips would result in zero mobile emissions, which is in the spirit and intent of VMT policies to reduce mobile emissions in California.

Tribal Cultural Resources – Consultation Under AB 52 and SB 18

Commenters raised concerns about tribal consultation under AB 52 and SB18 and the engagement of the Confederated Villages of Lisjan (Ohlone) Tribe.

The City provided formal notification of the preparation of the Draft SEIR to all listed tribal representatives on June 25, 2019. Only Guidiville Indian Rancheria responded within the required time period for AB 52 and SB 18 consultation.

² Kimley Horn, 2020. Memorandum regarding the Response to Comments from CESP, SPRAWLDEF, and PMA for the TDM Memorandum for Point Molate. Dated August 17, 2020

³ Technical Advisory on Evaluating Transportation Impacts in CEQA. Governor’s Office of Planning and Research. State of California. December 2018.

In addition, two tribes requested consultation outside of AB 52 and SB 18:

- Confederated Villages of Lisjan (Ohlone)
- Wilton Rancheria

These tribes provided information to refine the mitigation measures relating to cultural resources and tribal cultural resources. Mitigation Measures 4.4-3, 4.4-4, 4.4-6, and 4.4-7 require tribal monitoring during construction of the project. Mitigation Measure 4.4-6 includes a specific requirement for the project proponent to invite the Lisjan tribe to participate in monitoring ground-disturbing activities and fund the monitoring activities of the monitors selected by Lisjan. Protection of the known burial sites, CA-CCO-283 and CA-CCO-284, are included in Mitigation Measure 4.4-3, which requires a 50-foot avoidance buffer around the site and monitoring if construction is less than 50 feet from the known boundaries of either site. Monitoring by a team of archaeological and tribal monitors—like all costs associated with the Project— would be paid for by the developer. Monitoring will focus on areas with known resources and areas where resources may potentially occur but will also include spot checks of lower potential locations. The Confederated Villages of Lisjan (Ohlone) reached out to the City in April 2020. The City coordinated with the Tribe immediately and has held several meetings, as well as two site visits, to ensure meaningful participation in the CEQA process. Coordination is ongoing and will continue through construction of the Project. Response to Comment A1-1 provides additional information on the process and substantive efforts to avoid and protect tribal cultural resources.

Attachment – Survey Biologist Qualifications

Cedrick Villaseñor, Botanist

Education: B.S., Ecology and Systematic Biology, California Polytechnic University

Certifications/Permits: Blunt-Nose Leopard Lizard Surveyor (Level 1)

Mr. Villaseñor is a biologist with 15 years of professional experience conducting fieldwork as a botanist, wildlife biologist, and restoration ecologist. He has extensive knowledge of the natural history and conservation status of California's flora and fauna.

Mr. Villaseñor has provided biological and regulatory expertise on federal, state, county, city, and private projects. Services provided range from biological resource analysis, conservation planning, focused special-status species surveys, and biological monitoring. He also prepares biological reports for CEQA and NEPA compliance documents. Biological monitoring experience includes pre-construction surveys, implementation of biological and environmental compliance measures, and regulatory compliance documentation.

He has provided biological and regulatory expertise on a variety of special status, threatened, and endangered amphibian species. Mr. Villaseñor has also conducted general reconnaissance and focused protocol level surveys within a wide range of habitats throughout California, and has lead a variety of nesting bird, herpetological, and small mammal special-status species surveys. He has conducted hundreds of hours of nesting bird surveys where he has detected, documented, and monitored dozens on active nests within a wide range of habitats. Additionally, Mr. Villaseñor has experience in focused special-status species surveys for burrowing owls, golden and bald eagles, least bell's vireo, California gnatcatcher, San Joaquin kit fox, foothill yellow-legged frog, California red-legged frog, arroyo toad, California tiger salamander, southwestern pond turtle, and Mojave desert tortoise. He also conducts bat habitat assessments, roost site surveys, emergence surveys, and has conducted active and passive acoustical bat surveys using a variety of bat detectors and analytical software.

Mr. Villaseñor is specialized in a variety of botanical fields and has led rare plant surveys and floristic inventories across the southwestern United States. He is permitted to collect special-status species voucher specimens and seeds. Other botanical experience includes vegetation classification and mapping, vegetation community monitoring, and jurisdictional wetland delineations. Mr. Villaseñor has managed restoration projects where he prepared habitat restoration plans and subsequent monitoring documentation. Restoration methods regularly practiced include invasive weed management, native plant seed collection, propagation, and out planting.

Kathleen Sholty, Biologist

Education: M.S., Wildlife Biology, Humboldt State University

B.S., Biology, Kalamazoo College

Ms. Sholty is a biologist with extensive experience in conducting surveys and biological assessments for special-status species and other biological resources. She has regularly worked as a biological consultant with local, state, and federal agencies, including the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Bureau of Land Management, and the California Department of Fish and Wildlife (CDFW). She is a skilled writer with a background in scientific research and completed her Master's

Thesis work on disease ecology in small mammals.

Ms. Sholty has over 12 years of experience conducting both field and lab work, including live-traps, mist-netting, radio-telemetry, and genetic analyses. As a research assistant for the Wildlife Investigations Lab for CDFW, Ms. Sholty conducted research on numerous special-status species. Ms. Sholty is highly knowledgeable in wildlife ecology and has conducted a wide range of habitat assessments and data analyses.

Ms. Sholty has conducted planning-level habitat surveys for projects located near wetlands, vernal pools, grasslands, woodlands, and riparian habitats, including surveys for California tiger salamander, giant garter snake, and nesting birds. She has prepared biological constraints analyses and recommended permits and mitigation measures for sensitive wetland habitats and species. Ms. Sholty is also experienced in documenting special-status species to meet federal permit requirements.

Dave Pfuhler, Biologist

Education: B.S., Environmental Science/Natural Resource Management, SUNY Binghamton University

Certifications/Permits: Plant Voucher Collecting Permit (No. 2081(a)-18-153-V)

Mr. Pfuhler is a biologist with extensive experience in both the public and private environmental sector. He has a strong understanding of riparian and forest ecology, as well as environmental compliance within the California Public Utility Code and regulatory processes. He provides professional consulting services to local, state, and federal agencies, including the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the California Department of Fish and Wildlife (CDFW), state and regional water quality control boards, as well as private clients and Native American tribes. He has identified special-status species, along with migratory birds and raptors.

A majority of Mr. Pfuhler's work has involved fisheries and watershed related activities. He has assisted with biological assessments, aquatic organism passage surveys, land management plans, stormwater pollution prevention plan development and inspection, and sustainable best management practices (BMP) planning and implementation. Additionally, Mr. Pfuhler has assisted with fuel hazard reduction planning for PG&E, and assessed habitats to produce sustainable BMPs.

Mr. Pfuhler conducts biological surveys to identify listed plant and animal species, habitat types, wetlands and waters of the U.S, and other environmental constraints while using GPS technology. His work includes the identification of riparian areas that may provide habitat to the San Joaquin kit fox and other threatened species as well as the identification of potential impacts migratory birds' nests that may be impacted during construction. Mr. Pfuhler regularly prepares NEPA documentation, performs construction monitoring, and performs other tasks necessary for permitting.

Amy Gondran, Biologist

Education: M.S., Forestry, Virginia Tech

B.S., Wildlife and Fisheries Sciences, Texas A&M University

Ms. Gondran is a biologist with a broad range of experience in multiple natural resource disciplines including wildlife ecology and conservation, soils, water quality, and stream assessments. Her

experience with wildlife surveys includes bat mist net and foraging telemetry surveys; passerine mist net surveys, marshbird surveys, and shorebird monitoring; and salmonid, redd, and suitable habitat surveys.

In the soil and water sciences, Ms. Gondran's experiences encompass the biogeochemical aspects of reclaimed mine lands on soils and water quality, and stream assessments for watershed management. In addition to field work, she has experience with biological data and statistical analyses, and writing study plans, technical reports, and grants.

Ms. Gondran has spent considerable time providing environmental services and technical expertise in wildlife conservation and watershed management planning to several non-profits.