

INITIAL STUDY

PROJECT

Title: Springtown Wetland Mitigation
Location: South of Raymond Road, west of Ames Street, north of Hartford Avenue, and east of Lorraine Road.
Description: Construction of an approximately 0.24 acre seasonal wetland on a City-owned property within the Springtown Alkali Sink Preserve.
Applicant: City of Livermore
Property Owner: City of Livermore
City's Contact: Steve Stewart, Senior Planner
Telephone: (925) 960-4450

ENVIRONMENTAL SETTING

Additional Project Information

The City of Livermore (City) was the lead agency for the entitlement and environmental review process for the Livermore Toyota Dealership to be located on both sides of Northfront Road, approximately 300 feet east of Vasco Road. A Mitigated Negative Declaration (SCH# 122052) was adopted for the Livermore Toyota Dealership on February 11, 2008. The Livermore Toyota project includes construction of an automobile dealership and service facility with an aggregate floor area of 93,000± square feet on 12.4± acres of land (previous project approvals had authorized a 110,000± square foot dealership on 16± acres of land).

The Livermore Toyota Project would result in the permanent loss of approximately 0.095 acre of wetlands of the U.S. Wetlands on the Northfront Road site that are composed of seasonal wetland depressions, seasonal wetland swales, seasonally wet marsh, and herbaceous seasonal wetland. All of the affected wetlands are located in a former pipe storage area on the north side of Northfront Road. These wetlands have relatively low habitat functions and values due to their location in a developed area that is isolated from other wetland habitats and their relatively small size.

The proposal is to compensate for the 0.095 acre of wetland impacts by constructing 0.24 acre of seasonal wetland habitat within the City's Springtown Alkali Sink Preserve (Preserve). The proposed wetland would re-introduce a seasonal wetland to an area that was predominantly seasonal wetlands and vernal pools prior to ground disturbances (grading/fill/plowing) that have occurred over time.

Temporary impacts include mowing for the temporary access pathway and spoils area. These areas will not be graded. Approximate 2.07 acres of upland vegetation would be temporarily disturbed including the grading for the new wetland.

Regional Description

The project site and the 24.80± square mile City of Livermore are located in the Livermore-Amador Valley in Alameda County. The cities of Dublin and Pleasanton are located approximately three miles to the west. The City of Tracy is located approximately 20 miles to the east, in the San Joaquin Valley. Regional access to the City and project site is provided by Interstate 580 (I-580) and State Route 84. With a population of approximately 85,000, the City has an annual residential growth rate of between 140 to 700 units.

Area Description

The project is adjacent to the following land uses:

	General Plan Designation	Current Zoning Classification	Existing Land Use
North	City of Livermore and Alameda County– Large Parcel Agriculture	Alameda County – Agriculture (A – 100 acre minimum buildable site area)	California annual grasslands with rural home sites, dry farming, and grazing.
South	Urban Medium Residential (UM 3-4.5 d.u./ac.)	Planned Development (PD), Suburban Residential (RS-4)	California annual grasslands, single family residential, Altamont Creek beyond with are Alkali Sink lands (Garaventa Property)
East	Urban Medium Residential (UM 3-4.5 d.u./ac.)	Planned Development (PD), Low Density Residential (RL-6)	Single family residential
West	City of Livermore and Alameda County – Large Parcel Agriculture	Alameda County – Agriculture (A – 100 acre minimum buildable site area)	California annual grasslands, dry farming, and grazing.
Subject Site	Parks, Trail Ways, Recreation Corridors, and Protected Areas (OSP)	Open Space – Agriculture (OS-A)	California annual grasslands, grazing.

Site Description

The project site is on an approximately 186-acre parcel that is part of a larger City of Livermore land holding (approximately 298 acres) in the Springtown Alkali Sink Preserve (Preserve) located in the northeast portion of the City. The 298 acres are a remnant portion of the Springtown Alkali Sink (Sink). Historically the Sink encompassed a much larger portion of the Livermore Valley. However the construction of housing subdivisions, a golf course, and other

development projects have resulted in the permanent loss of wetland habitat within the Sink. Portions of the Sink have also been affected by land use activities including land leveling for agriculture and grazing. The Preserve is bounded on the south by Hartford Avenue and a paved bike path, on the east by Ames Street and Broadmoor Street, on the north by Raymond Road, and on the west by Lorraine Street. Additional alkali Sink habitat occurs on adjacent lands that are in private ownership. A paved bike path extends from Hartford Avenue to Broadmoor Street. The Preserve has been subject to unauthorized activities that are adversely impacting the natural resources including off-road vehicle activity, construction of ramps/jumps for bicycles and motorcycles, and excavation of pits/club houses.

GENERAL PLAN AND ZONING

General Plan Land Use Designation: Parks, Trail Ways, Recreation Corridors, and Protected Areas (OSP)

Zoning District: Open Space – Agriculture (OS-A)

OTHER REQUIRED APPROVALS

Other agencies whose approval is required for this project (and permits needed):
California Department of Fish & Game (Incidental Take Permit)

EVALUATION OF ENVIRONMENTAL IMPACTS

The project would result in potential environmental effects in the following categories, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages:

- | | |
|--|---|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Hazards |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Geophysical | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Water | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Energy/Mineral Resources | <input type="checkbox"/> Mandatory Findings of Significance |

1. LAND USE AND PLANNING. *Would the proposal:*

- a. Conflict with General Plan designation or zoning? No Impact.**

The site is currently located within the City of Livermore jurisdiction. No changes to existing County and City land use designations are proposed. The current Livermore General Plan (2003) land use designation for the site is Parks, Trail Ways, Recreation Corridors, and Protected Areas (OSP). The intent of the OSP designation is for the long-term preservation of open space due to the presence of valuable natural or scenic resources. The Open Space – Agriculture (OS-A) Zoning Designation is utilized by the City for areas that are appropriate for permanent or semi-permanent open space. The proposed project would not conflict with the property’s continued use as open space.

- b. **Conflict with General Plan policies, or other applicable plans or policies adopted by the City or by other agencies with jurisdiction over the project? No Impact.**

The project would not conflict with General Plan policies or with other applicable plans and policies of the City or of other agencies with jurisdiction over the project. The City's OSP General Plan land use designation permanently preserves open space with sensitive natural resources.

Livermore's 2003 General Plan includes an Open Space Conservation Element that includes the following goals, objectives and policies regarding the preservation and enhancement of Livermore's natural environment:

Goal OSC-1 Conserve the value and function of Livermore's open space as a biological resource.

Objective OSC-1.1 Maintain biodiversity within the Planning Area with special emphasis on species that are sensitive, rare, declining, unique or represent valuable biological resources.

P6. The City shall preserve and maintain Frick Lake and the Springtown Alkali Sink area as important wildlife and plant habitats through preservation of open space in and around these areas.

P7. Open space shall be used to protect and enhance local community character and identity, and to guide the physical shape and direction of urban growth to preserve the rural characteristics of the area. (2003 General Plan, P. 4-3 and 4-4)

- c. **Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)? No Impact**

The 2010 Alameda County Important Farmland Map identifies the Preserve as Other Land. Examples of land under this category include low density rural residential, brush, timber, wetland, and riparian areas not suitable for livestock grazing. The City has occasionally allowed limited cattle grazing on adjacent lands. However, the subject site is in a location that has excluded grazing. A Habitat Management Plan for the mitigation site will be prepared that may include reintroducing controlled cattle grazing to the area in order to control vegetation growth and enhance the project area's biological value as upland and seasonal wetlands.

- d. **Disrupt or divide the physical arrangement of an established neighborhood? No Impact.**

The project is located approximately 1,100 feet north of Hartford Avenue and would not involve uses, activities, or construction that would disrupt or divide the physical arrangement of an established neighborhood.

2. POPULATION AND HOUSING. *Would the proposal?*

- a. **Cumulatively exceed official regional or local population projections? No Impact.**

The project will not have any significant impact on the population because it does not involve the development of residential units. The project will not affect the General Plan population projections because it does not involve a change in the City's land use designations and does not include any physical development that would enable population growth.

- b. **Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)? No Impact.**

The project does not involve the extension of infrastructure and would not affect the General Plan land use designation of Open Space Protected Areas. The proposal will help restore the Preserve to its natural condition.

- c. **Displace existing housing, especially affordable housing? No Impact.**

The proposal does not include physical development that would displace any structure or residence. Existing land use designations will remain.

3. **GEOPHYSICAL.** *Would the proposal result in or expose people to potential impacts involving:*

- a. **Seismicity: fault rupture, ground shaking or liquefaction? No Impact.**

The project site is located in a seismically active region and, like all lands in the San Francisco Bay area, would be subject to potentially severe ground shaking during a major earthquake on an active fault in the region. The project would not result in an increase in the number of people, structures and/or improvements exposed to seismic hazards because the project does not involve development of any structures (habitable and/or inhabitable).

- b. **Landslides or mudslides? No Impact.**

The project site and surrounding properties are relatively flat with no risk of landslides or mudslides.

- c. **An increase in soil erosion, either on or off the site? No Impact.**

Due to the relatively flat site topography, and dense vegetation, on and off-site soil erosion would be minimal.

- d. **Changes in topography or unstable soil conditions from excavation, grading, or fill? No Impact.**

A qualified soil scientist will be present during grading to ensure that underlying soil for the wetland creation area has suitable soils sufficient for wetland hydrology. Site preparation in the wetland construction area will consist of stripping the existing herbaceous layer and placing it in the spoil deposition area. The existing herbaceous vegetation and a thin layer of topsoil will be

cleared to remove the upland seed bank. This material will be placed at the spoils locations. The next top 3 inches of topsoil will be excavated and stockpiled for later use as a rooting medium. The remaining soil will be excavated to create the wetland basin that is approximately three inches below finish grade and the subgrade will be compacted. The stockpiled topsoil will then be placed in the wetland basin. A small berm will be created on the downslope side of the wetland to support ponding and to minimize the depth of excavation and the amount of spoils generated.

Spoils will be placed in two locations. Some of the spoils will be used to fill a pit believed to have been dug by nearby residents or transients. The area excavated for the pit occurs in upland habitat and is approximately 10 feet long, 6 feet wide, and 3 feet deep and will require approximately 7 cubic yards of fill. The City has removed the debris that was associated with the pit. Any additional debris that has accumulated will be removed prior to fill placement. Fill will be placed and compacted to match existing adjacent grade. The disturbed area will then be seeded and planted with native vegetation. The other spoils location, which is shown on the construction drawings, will be located in annual grasslands in the vicinity of the wetland creation area. The spoils piles will be placed in a manner that does not affect surface water flow and which minimizes any visual impact. The disturbed area will then be seeded and planted with native vegetation.

e. Subsidence of land? No Impact.

Subsidence is the gradual, local settling or sinking of the earth's surface with little or no horizontal motion. Subsidence usually results from gas, oil, or water extraction, hydrocompaction, or peat oxidation. None of these conditions are associated with the project or site. It is, therefore, considered unlikely that land subsidence could occur on the project site.

f. Expansive soils? No Impact.

The project does not include construction of any structure that would result in or expose people to potential impacts from expansive soils.

g. Unique geologic or physical features? No Impact.

There are no such features on the project site. The project site was chosen to avoid alkali scalds, and other wetlands on the site. The project site is upland grasslands.

4. WATER. *Would the proposal result in:*

a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? No Impact.

The project would not result in an increase in the amount of impervious surface area and an associated increase in the rate and volume of storm-water runoff from the site. The hydrology of the proposed wetland is to be supported primarily by direct precipitation. The proposed wetland is sited near the downstream end of a series of shallow (but not defined) swales that define the sub watersheds of the project site and the preserve. The selected location of the proposed wetland was further directed by the availability of suitable soils in the area and the lack of presence of sensitive vegetation (e.g. PBBB). Considering the hydrology of the site, the soils and vegetation, it was decided to locate the wetland on higher ground. This strategy

eliminates the potential for the wetland to intercept any concentrated runoff flowing in a defined swale, thus minimizing impacts to wetlands or vegetation located downstream that have evolved to a specific hydrologic pattern. The higher ground selected is actually along a "ridge" or sub-watershed divide. This location will only intercept a small portion of direct precipitation at the downstream end of two sub-watersheds. Based on the area of the proposed wetland and the two respective watersheds, the captured area in the wetland is a small fraction of the total area and will be immeasurable in the downstream end of each sub-watershed during storm events. The proposed wetland will only intercept what would have been overland flows in the area that will be graded to create a shallow depression. Any precipitation falling within the footprint of the proposed pond will be stored until it infiltrates, evaporates, or overflows the depression and travels downstream to an adjacent swale. It should be noted that overflows are not expected on a regular basis as the site has a limited annual precipitation average.

b. Exposure of people or property to flooding? No Impact

The Flood Insurance Rate Map designates the site as Zone AE (base flood elevations determined). There will be no impact to people or property to flooding because the project does not involve construction of structures or impervious surfaces. Any precipitation falling within the footprint of the proposed wetland will be stored until it infiltrates, evaporates, or overflows the depression and travels downstream to an adjacent swale. It should be noted that overflows are not expected on a regular basis as the site has a limited annual precipitation average.

c. Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? No Impact.

Any precipitation falling within the footprint of the proposed wetland will be stored until it infiltrates, evaporates, or overflows the depression and travels downstream to an adjacent swale. Storm overflows are not expected on a regular basis as the site has a limited annual precipitation average.

d. Change in the quantity, or direction or rate of flow of groundwater through direct additions or withdrawals or through interception of an aquifer by cuts or excavations, or impacts to groundwater quality? No Impact.

Given the minimal disruption of current surface flow patterns, the new wetland would not substantially alter hydrologic conditions.

5. AIR QUALITY. Will the proposal:

a. Violate any air quality standard or contribute to an existing or projected air quality violation? No Impact.

The Bay Area Air Quality Management District (BAAQMD) has established thresholds for determining the significance of potential air quality impacts. The project does not generate any increase in vehicle trips per day and would not significantly affect the operation of roadways and intersections in the project vicinity. Therefore, there are no the traffic-generated air quality impacts.

b. Expose sensitive receptors to pollutants? No Impact.

The project itself does not represent a sensitive receptor (e.g., schools, hospitals, residential areas, etc.). The project would not involve emissions of toxic air contaminants or potential accidental release of acutely hazardous air materials.

- c. **Alter air movement, moisture, or temperature, or cause any change in climate?** No Impact.

The project would not be of sufficient scale to significantly alter air movement, moisture, or temperature, or cause any significant change in climate. The project would not exceed any Bay Area Air Quality Management District (BAAQMD) screening thresholds for construction related and/or operational thresholds for Green House Gas (GHG) emissions. The proposed project does not include construction of any structures and project emissions, if any, would not be greater than 1,100 metric tons per year.

- d. **Create objectionable odors?** No Impact.

The project does not involve activities or physical development that would result in objectionable odors or generate objectionable odors during construction. There are no significant sources of odorous emissions within one mile of the project.

6. TRANSPORTATION/CIRCULATION. *Will the proposal result in:*

- a. **Increased vehicle trips or traffic congestion?** No Impact.

The project does not include any activity that would generate increased vehicle trips or contribute to traffic congestion.

- b. **Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?** No Impact.

There are no special design features associated with the project or the local roadway network, and no incompatible uses, which represent significant safety hazards.

- c. **Inadequate emergency access or access to nearby uses?** No Impact.

The project does not alter emergency access or accesses to nearby uses.

- d. **Insufficient parking capacity on-site or off-site?** No Impact.

The project does not generate any need for on or off-street parking.

- e. **Hazards or barriers for pedestrians or bicyclists?** No Impact.

The project would not create any hazards or barriers for pedestrians and bicyclists. There are no existing or planned bicycle lanes or routes, or bicycle/pedestrian trails in the immediate project vicinity.

- f. **Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)?** No Impact.

See response to 6e above.

- g. Rail, waterborne, or air traffic impacts? No Impact.**

There are no rail, waterborne or air traffic facilities in the project vicinity.

7. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to:*

- a. Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals and birds)? Potentially Significant Unless Mitigated**

See Biological Resource Comments Below.

- b. Significant on-site trees, vegetation, and/or natural communities? Potentially Significant Unless Mitigated.**

See Biological Resource Comments Below.

- c. Wetland habitat (e.g. marsh, riparian or vernal pool)? Potentially Significant Unless Mitigated.**

See Biological Resource Comments Below.

- d. Wildlife dispersal or migration corridors? Potentially Significant Unless Mitigated.**

See Biological Resource Comments Below.

Biological Resource Comments:

Land Cover Types

The Preserve is composed of a mosaic of grassland, seasonal wetlands, and alkali wetlands. H.T. Harvey and Associates performed a wetland delineation of the Preserve in 1999 – 2000 and identified 27.10 acres of wetlands and waters of the U.S. The majority of wetlands on the Preserve are concentrated in the southwest and east sides of the Preserve although isolated wetlands and swales occur over most of the Preserve.

Land cover types were generally mapped and described by the California Department of Fish and Game (CDFG) in 1987 and 1988 during preparation of the "Management Plan for the Springtown Alkali Sink Wetlands and the Endangered Plant *Cordylanthus palmatus* (Palmate-bracted bird's beak) (California Department of Fish and Game 1988). The Management Plan focused on identifying suitable habitat areas for Palmate-bracted bird's beak. Land cover types included iodine bush scrub, alkali grassland, seasonal wetlands, and annual grassland.

Iodine Bush Scrub

CDFG identified iodine bush scrub as alkali sink scrub in the 1988 Management Plan. Iodine bush scrub occurs along drainages and on alkali scalds. Common plant species include iodine bush (*Allenrolfea occidentalis*), alkali heath (*Frankenia salina*), seepweed (*Suaeda moquinii*), and Parish's pickleweed (*Salicornia subterminalis*). Palmate-bracted bird's beak also occurs in this land cover type on scalds and along drainages. Other species occurring in the drainages, in association with the iodine bush scrub, include alkali sacaton (*Sporobolus airoides*), coyote thistle (*Eryngium aristulatum*), downingia (*Downingia* sp.), goldfields (*Lasthenia californica*), sand spurry (*Spargularia macrotheca*), and pepperweed (*Lepidium lasiocarpum*).

Alkali Grassland

CDFG identified alkali grassland as valley sink scrub in the 1988 Management Plan. Alkali grassland occurs along drainages and adjacent uplands and intergrades with iodine bush scrub and annual grasslands. Salt grass (*Distichlis spicata*) is the dominant species and in some locations only species present. Iodine bush scrub and annual grassland species occur in this land cover type in the transition zones. Palmate-bracted bird's beak also occurs in this land cover type however it is less common.

Annual Grassland

Annual grasslands occur in uplands where saline levels are low. CDFG did not specifically map annual grassland but determined that annual grassland generally occurs in the central and northern portion of the Preserve. Common plant species in the annual grasslands include soft chess (*Bromus hordeaceus*), Mediterranean barley, wild oats (*Avena barbata*), blue dicks (*Dichelostemma pulchella*), sky lupine (*Lupinus nanus*), fiddleneck (*Amsinckia menziesii* var. *intermedia*), and creeping wildrye (*Leymus triticoides*).

Seasonal Wetlands and Swales

Seasonal wetlands and swales which are not identified as iodine bush scrub or alkali grassland occur in locations where saline levels are low. CDFG did not specifically map non-alkali wetlands however these wetlands appear to occur in association with annual grasslands. Plant species occurring in these wetlands include Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), dock (*Rumex* sp.), annual bluegrass (*Poa annua*), goldfields, downingia, and brass buttons (*Cotula coronopifolia*).

Hydrology

Surface drainage in the sink is significantly different from historic conditions (Questa 1998). Roadways, residential development, and channelization and widening of Altamont Creek have altered surface and subsurface flows to the sink. At present, the four subbasins on the northern and western sides of the sink contribute most of the surface water to the sink.

Subsurface water-bearing zones in the sink are divided into three layers: the shallow unconfined zone (SUZ) consists of the first 6 to 10 feet of alluvial sediments with a base of a thin hardpan/claypan layer; the semi-confined zone (SCZ) is a partially confined layer below the hardpan/claypan layer at depths between 10 to 60 feet; and the deep-confined zone (DZ) is found below 60 feet, may be up to 200 feet thick, but does not influence groundwater in the

sink. Groundwater elevations in the SUZ fluctuate by up to 9 feet seasonally. In January, depth to groundwater in the SUZ range from 1 foot below ground surface (bgs) in the lowest points of the sink to 4 to 6 feet bgs in topographically higher areas. By April, levels have dropped several feet and in mid to late summer, most of the SUZ is dry. Thus, the SUZ is considered a seasonal water table that dries out every summer (Questa 1998).

Annual precipitation is approximately 14.5 inches per year while evapotranspiration is 72 inches. Evaporation is the primary mechanism for groundwater loss in the SUZ; this mechanism removes water and leaves the salts behind in the soil. The ultimate source of elevated salinity in the sink is from marine sedimentary rocks in the uplands to the north and northeast of the sink. However flows from the areas northeast of the sink have been altered by development and widening and deepening of Altamont Creek and salinity has been declining over time as shown by studies by Berlogar (1993, as cited in Questa 1998). During the rainy season, low salinity water from precipitation and runoff infiltrates and begins to re-saturate the SUZ. This infiltrating water dissolves salts in the soil and carries them to the groundwater. As the growing season progresses, the groundwater becomes progressively saltier (Questa 1998).

The following special-status species are known to occur, or have the potential to occur, on the Preserve, at or in the vicinity of wetland construction locations:

- California tiger salamander (CTS) (*Ambystoma californiense*) The Central California Distinct Population Segment is federally threatened. The California tiger salamander is also state listed as threatened (50 CFR 47212-47248, August 4, 2004) (California Department of Fish and Game, February 5, 2009) (East Alameda County Conservation Strategy 2010). CTS are typically found in grasslands and low foothills with pools or ponds for breeding. CTS have been previously documented occurring within the sink at a location south of the proposed wetland location in an area with a dense network of seasonal ponds and wetlands and could occur in upland areas disturbed by the project. It is not known whether CTS are breeding at the Preserve. Critical habitat for CTS is not present at the Preserve.
- California red-legged frog (CRLF) (*Rana aurora draytonii*) is federally listed as threatened and is a California species of special concern.. CRLF requires semi-permanently ponded areas for breeding. Ponds of this nature do not occur in the vicinity of the proposed wetland mitigation site therefore this species is unlikely to be affected by construction unless CRLF are moving through the site between more remote breeding areas. Critical habitat for CRLF is not present at the Preserve.
- San Joaquin Kit Fox (SJKF) (*Vulpes macrotis mutica*) is federally and state listed as endangered. SJKF typically occur in San Joaquin scrub and grasslands. SJKF could potentially occur in uplands at or in the vicinity of the proposed wetland mitigation site. However, no burrows of suitable size for SJKF have been observed near the proposed mitigation site. SJKF have not been documented to occur in the Preserve or its immediate vicinity, but have been documented in the Altamont Hills east of Laughlin Road. Critical habitat has not been designated for SJKF.
- Burrowing Owl (*Athene cuniularia*). The burrowing owl is considered a special-status species in California. It is protected by the federal Migratory Bird Treaty Act and the California Fish and Game Code. It is considered a species of special concern by the California Department of Fish and Game (East Alameda County Conservation Strategy, October 2010). No burrowing owl were observed during site visits in December 2009, January 2010, and June 2010, however, much of the Preserve appears to be suitable

habitat for this species. This species is known to inhabit many sites around Livermore. The nearest recorded location is about 3,000 feet to the north of the property.

- San Joaquin Kit Fox (*Vulpes macrotis mutica*). This federally and state endangered species is known to inhabit grassland habitat on the east end of the Livermore Valley, north of Interstate 580 and up into the Altamont Hills. There are no verified records west of the base of the Altamont Hills on the floor of the Livermore Valley. The closest recorded observations are from Morgan Territory Road six miles to the north and from the end of Laughlin Road four miles to the northeast. San Joaquin kit fox prefers open country and the grasslands on this property are potentially suitable for this species. The site is considered occupied habitat by the USFWS and the California Department of Fish and Game (CDFG).
- Vernal pool fairy shrimp (*Branchinecta lynchi*, VPFS) is federally listed as threatened and vernal pool tadpole shrimp (*Lepidurus packardii*, VPTS) is federally listed as endangered. VPFS have been documented in a vernal pool in another part of the Preserve but this occurrence is not in close proximity to the proposed wetland site. The project will not involve disturbance to any vernal pools or swales that may contain VPFS or VPTS. The project site is located within designated critical habitat for VPFS but not in critical habitat for VPTS.
- Palmate-bracted bird's beak (PBBB) (*Cordylanthus palmatus*) is federally listed as endangered. PBBB grows on seasonally-flooded, saline-alkali soils in lowland plains and basins at elevations of less than 500 feet. Within these areas, it grows primarily along the edges of channels and drainages, with a few individuals scattered in seasonally-wet depressions, *alkali scalds* (barren areas with a surface crust of salts) and grassy areas. PBBB grows in association with other species tolerant of high salt concentrations, such as iodine bush, alkali heath, glasswort, seepweed and salt grass. PBBB is closely associated with iodine bush scrub and less commonly in alkali grassland. PBBB is known to occur in the sink and in the general vicinity of the proposed wetland mitigation site based on a June 2, 2010 survey conducted by ICF (see design drawings that show PBBB locations), but no PBBB is located within the proposed wetland site, access route, or spoil placement location. Critical habitat has not been designated for PBBB.

In the absence of proper mitigation measures, the proposed project could significantly impact sensitive habitat areas and special status species. Implementation of Mitigation Measures described below would reduce potential impacts to less than significant levels.

Mitigation Measures:

- BIO-1:** Prior to construction, a qualified biologist shall conduct surveys to confirm the presence or absence of California tiger salamander, California red-legged frog, San Joaquin kit fox, burrowing owl, and ground nesting pollinators (primarily bees) in the project area. If individuals and/or nests are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFG approved relocation site.
- BIO-2:** For the wetland mitigation site, preconstruction surveys of all ground-disturbed areas shall be done for California tiger salamander, including use of a fiber optic scope, for any suitable burrows in the disturbance footprint.

Occupied burrows shall not be disturbed. If a California tiger salamander is encountered during any project activities (outside of a burrow), construction will cease until the salamander is removed by the Service-approved biologist and relocated to a suitable location in the Springtown Preserve. The USFWS and CDFG will be notified within one (1) business day of any California tiger salamander relocation.

- BIO-3:** For the wetland mitigation site, a Service-approved biological monitor will be present at the construction area during ground-disturbing activities and vegetation removal. The biological monitor will thoroughly inspect any open trenches for the presence of California red-legged frog, San Joaquin kit fox and California salamander at the beginning of each workday. If either species is found, the biologist will immediately contact the Service for direction on how to proceed. If either species is in immediate danger of being injured or killed, the monitor will have the authority to halt construction activities, through communication with the resident inspector or his/her designee, until the species has either moved of its own accord or is relocated from the construction area by the Service-approved biologist and released into nearby suitable habitat. The biological monitor will document the results of monitoring on construction monitoring log sheets.
- BIO-4:** The project applicant shall compensate for the temporary and permanent loss of upland habitat for California tiger salamander, California red-legged frog, San Joaquin kit fox, and burrowing owl by acquiring and placing under permanent conservation easement, 2.7 acres of suitable upland habitat. The compensation upland is subject to approval by the US Fish & Wildlife Service and California Department of Fish & Game.
- BIO-5:** Mowing and grading will be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1" or greater, to May 1. Wetland planting activities may take place after October 15 at the wetland mitigation site.
- BIO-6:** Identified Palmate-bracted bird's beak based on the June 2, 2010 survey will be identified and flagged, and work crews will be instructed to avoid these plants.
- BIO-7:** Prior to construction, a qualified botanist shall perform surveys of the project area to determine if Palmate-bracted bird's beak, San Joaquin spearscale, Congdon's tarplant, Livermore Valley tarplant. If these plants are identified, then they will be flagged and work crews will be instructed to avoid these plants.
- BIO-8:** Prior to construction, a qualified biologist shall perform surveys to determine if burrowing owls are present within the project site.
- BIO-9:** If an active burrowing owl nest is identified near the project site, work will be conducted outside of the nesting season (March 15 to September 1). If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone will be

established by a qualified biologist. The no-activity zone will be large enough to avoid nest abandonment and will at a minimum be 250-foot radius from the nest. If burrowing owls are present at the site during the non-breeding period, a qualified biologist will establish a no-activity zone of at least 150 feet. If an effective no-activity zone cannot be established in either case, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.

BIO-10: A qualified Service-approved biologist will conduct a preconstruction survey no more than 30 days before the beginning of ground disturbance or any activity likely to affect San Joaquin kit fox. This measure will be implemented in all off-road construction areas. The biologist will survey the proposed construction area and a 200-foot buffer area around the construction area to identify suitable dens. The biologist will conduct den searches by systematically walking transects spaced 30-100 feet apart through the survey area. Transect distance should be determined on the basis of the height of vegetation such that 100% visual coverage of the project area is achieved. If dens are found during the survey, the biologist will map the location of each den as well as record the size and shape of the den entrance; the presence of tracks, scat, and prey remains; and if the den was recently excavated. The biologist will also record information on prey availability (e.g., ground squirrel colonies). The status of the den as defined by the Service should also be determined and recorded. Dens will be classified in one of the following four den status categories.

a. Potential den: Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is sufficient to conclude that it is being used or has been used by a SJKF. Potential dens comprise (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for SJKF use.

b. Known den: Any existing natural den or artificial structure that is used or has been used at any time in the past by a SJKF. Evidence of use may include historical records; past or current radiotelemetry or spotlighting data; SJKF signs such as tracks, scat, and/or prey remains; or other reasonable proof that a given den is being or has been used by an SJKF.

c. Natal or pupping den: Any den used by SJKF to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied exclusively by adults. These dens typically have more SJKF tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which SJKF pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the

two; therefore, for purposes of this definition either term applies.

d. Atypical den: Any artificial structure that has been or is being occupied by a SJKF Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.

e. Written results of the surveys will be submitted to USFWS and CDFG within 1 week of the completion of surveys and prior to the beginning of ground disturbance and/or construction activities likely to affect SJKF.

BIO-11: After preconstruction den searches and before the commencement of construction activities, a qualified Service-approved biologist will establish and maintain the following exclusion zones measured in a radius outward from the entrance or cluster of entrances of each den. Potential and atypical dens: A total of 4-5 flagged stakes will be placed 50 feet from the den entrance to identify the den location.

a. Known den: Orange construction barrier fencing will be installed between the construction work area and the known den site at a minimum distance of 100 feet from the den. The fencing will be maintained until all construction-related disturbances have been terminated. At that time, all fencing will be removed to avoid attracting subsequent attention to the den.

b. Natal/pupping den: The Service will be contacted immediately if a natal or pupping den is discovered at or within 200 feet from the boundary of the construction area.

c. Construction and other project activities will be prohibited or greatly restricted within these exclusion zones. Only essential vehicular operation on existing roads and foot traffic should be permitted. All other construction activities, vehicle operation, material and equipment storage, and other surface-disturbing activities will be prohibited in the exclusion zones.

d. In cases where avoidance is not a reasonable alternative, limited destruction of potential SJKF dens will be allowed. Potential dens can be removed by careful hand excavation by, or under the supervision of, a Service-approved biologist, after the dens have been monitored for 3 days with tracking medium or a remote sensor camera and determined to be vacant. If, during excavation or monitoring, a potential den is determined to be currently or previously used (e.g., SJKF sign found inside) by SJKF, then destruction of the den or construction in that area will cease and the Service will be notified immediately.

BIO-12: If vernal pools, clay flats, alkaline pools, ephemeral stock tanks, or sandstone pools, or drainage ditches are present, a qualified biologist will stake and flag an exclusion zone for vernal pool fairy shrimp, longhorn fairy shrimp prior to construction activities. The exclusion zone will be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone will encompass the maximum practicable distance from the worksite and at least 250 feet from the

aquatic feature wet or dry. No herbicide will be applied within 100 feet of exclusion zones, except when applied to cut stumps or frilled stems or injected into stems. No broadcast applications will be applied.

BIO-13: Temporary exclusion fencing shall be placed surrounding the wetland mitigation project footprint, including the construction area, temporary access road, spoils placement and staging areas.

BIO-14: For the wetland mitigation site, restrictions and guidelines that must be followed by construction personnel, are as follows:

- a. The contractor will clearly delineate the project boundaries and prohibit any off-road traffic outside these boundaries.
- b. Project-related vehicles will observe a speed limit of 20-miles-per-hour on the unpaved road in the project area.
- c. No pets will be allowed in the action area.
- d. No firearms will be allowed in the action area except those carried by authorized personnel or local, state, or federal law enforcement officials.
- e. Any worker who inadvertently injures or kills a federally or state listed species or finds one dead, injured, or entrapped will immediately report the incident to the resident inspector or biological monitor. The USFWS and CDFG will be verbally notified within 1 working days of the incident.

8. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

- a. **Conflict with adopted energy conservation plans, or use non-renewable resources in a wasteful and inefficient manner?** No Impact.

The project does not conflict with the policies and implementation proposals of the Livermore Community General Plan Energy Element. There are no proposed structures or systems that would require utilizing non-renewable resources.

9. HAZARDS. *Would the proposal involve:*

- a. **A risk of accidental explosion or release of hazardous substances (including but not limited to oil, pesticides, chemicals or radiation)?** No Impact.

The project would not involve the exposure of people to any such risks. The project itself would not involve a risk of accidental explosion or release of hazardous substances and there are no facilities in the immediate project vicinity, which pose an unusual risk of such an occurrence.

- b. **Possible interference with an emergency response plan or emergency evacuation plan?** No Impact.

The project would not interfere with an emergency response plan or emergency evacuation plan.

- c. **The creation of any health hazard or potential health hazard?** No Impact.

The project would not result in the creation of a potential health hazard.

- d. **Exposure of people to existing sources of potential health hazards?** No Impact.

The project itself would not involve a risk of accidental explosion or release of hazardous substances and there are no facilities in the immediate project vicinity, which pose an unusual risk of such an occurrence.

- e. **Increased fire hazard in areas with flammable brush, grass or trees?** No Impact

The project would not involve an unusual or significantly increased fire hazard. There are no structures on the site that would be at risk due to fire.

10. NOISE. *Would the proposal result in:*

- a. **Increases in existing noise levels?** No Impact.

The project will not increase existing noise levels, including along local streets because there will be no increase in traffic and related noise. The project itself does not generate noise.

- b. **Exposure of people to severe noise levels?** No Impact.

The project does not generate noise. Therefore, noise levels will not exceed the City's land use-noise compatibility standards, and thus would not represent a nuisance, at the nearest sensitive receptor.

NOISE-1: The following measures shall be implemented to reduce potential construction noise impacts, if any, in adjacent residential neighborhoods:

- a. During all site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- b. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- c. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

11. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a. Fire protection? No Impact.

The proposal does not include any modifications to the provision of emergency (fire and police) protection. Fire protection in the project vicinity is currently provided by the Livermore Pleasanton Fire Department. Expected emergency response times to the project site meet the Fire Department's response time standards of five minutes for first station response.

b. Police protection? No Impact.

The proposal does not include any modifications to the provision of emergency (fire and police) protection. The project would not generate an increased demand for police protection services.

c. Schools? No Impact.

The project would not generate greater employment and thus more potential new residents and in turn more school children attending Livermore Valley Joint Unified School District (LVJUSD) schools.

d. Maintenance of public facilities, including roads? No Impact.

The project will not generate additional population and vehicle trips that would result in an in the need for maintenance of public facilities and roads.

e. Other governmental services? No Impact.

The project will not generate additional population that would result in an increase in the demand for general governmental services.

12. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems, or substantial alterations to the following utilities:*

a. Power or natural gas? No Impact.

No new systems or alterations to existing systems are required to serve the project, and the project does not require power or natural gas service.

b. Communication systems? No Impact.

The project does not require communication systems. No new systems or alterations to existing systems are proposed.

c. Local or regional water treatment or distribution facilities? No Impact.

The project does not utilize local or regional water treatment or distribution facilities, and does not create additional demand or alterations to existing facilities.

d. Sewer or septic tanks? No Impact.

The project does not require sanitary sewer service and does not include sewer or septic tank facilities.

- e. **Storm water drainage?** No Impact.

The project does not include new systems or alterations that would impact existing storm drain systems.

- f. **Solid waste disposal?** No Impact.

The project does not include solid waste disposal systems, does not generate solid waste, and would not create additional demand for services.

13. AESTHETICS. *Would the proposal:*

- a. **Affect a scenic vista or scenic highway?** No Impact.

Due to the remote location and relatively small scale, the project will not be visible from any scenic vista or highway.

- b. **Have a demonstrable negative aesthetic effect?** No Impact.

The project would not change the visual character of the Preserve and project site. Temporary and permanent construction areas will be vegetated with soils and seeds collected on site.

- c. **Create light or glare?** No Impact.

The project does not include any components that generate light or glare.

14. CULTURAL RESOURCES. *Would the proposal:*

- a. **Disturb archaeological or paleontological resources?** No Impact.

Prehistoric sites in the Livermore Valley tend to be concentrated adjacent to stream courses and specific hillside land forms, including terraces and benches along drainages, alluvial plains of arroyos, ridgelines and saddles between ridges. There are no such features on the project site and thus significant archaeological or paleontological resources are not expected to occur on the site. If archeological materials are discovered during construction, an expanded program shall be implemented to define the archeological deposit.

- b. **Affect historical resources?** No Impact..

The project site does not contain any designated Historic Preservation Landmark Sites, Heritage Sites, or Heritage Districts, or any structures more than fifty years old, and no other historic resources exist on the site.

- c. **Have the potential to cause a physical change, which would affect unique ethnic cultural values, or restrict existing religious or sacred uses within the area?** No Impact.

There are no unique ethnic cultural values, or existing religious or sacred uses associated with the project site or vicinity.

15. RECREATION. *Would the proposal:*

- a. **Increase the demand for neighborhood or regional parks or other recreational facilities, or affect existing recreational opportunities?** No impact.

The project does not increase the City's residential and/or workforce population and would not increase the demand for parks and recreational facilities..

16. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?** No.

As described in section 7. *Biological Resources*, the proposed project could adversely affect special status plants and animals. However, implementation of Mitigation Measures BIO-1 through BIO-13 would ensure that impacts to these species are reduced to less-than-significant levels. By incorporating the avoidance and minimization measures included in this Initial Study, implementation of the proposed project would not: 1) degrade the quality of the environment; 2) substantially reduce the habitat of wildlife species; 3) cause wildlife population to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number and restrict the range of a rare or endangered plant or animal; or 6) eliminate important examples of the major periods of California history or prehistory.

The project would result in potentially minor, short-term effects from construction activities such as particulate emission and erosion during construction. However, these potential impacts are considered less than significant, an expected part of construction, and would be addressed by the measures to lessen these effects to a less than significant level. There would be no significant permanent environmental impacts from the proposed project.

- b. **Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?** No.

The proposed project would not have the potential to achieve short-term environmental goals, to the disadvantage of long-term ones. Relatively minor impacts may occur from construction activities, but these effects would be of short duration and not cumulatively considerable. The proposed project would contribute to the restoration of the Preserve to its historical condition that included more seasonal wetlands.

- c. **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)** No.

The project does not have impacts that are individually limited, but cumulatively considerable. Cumulative air, noise and traffic impacts have been considered and determined to have no impacts.

The area south and east of the site is already substantially developed and has limited additional development potential. The County areas west and north of the site are designated for Resource Management and Large Parcel Agriculture that do not include urban development. Currently, the City of Livermore is completely surrounded by an Urban Growth Boundary that is intended to protect existing agricultural uses and natural resources outside the City from future urban development.

The proposed project would result in impacts to alkali grasslands and upland habitat that could contribute to a cumulative loss of such grasslands. However, mitigation has been included to compensate for the loss of alkali grasslands on the project site so that cumulative impacts to alkali grasslands would be less than significant.

- d. **Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? No.**

The proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. Potential adverse effects related to the health and safety of human beings have already been evaluated and those findings discussed as part of the evaluation. With implementation of the mitigation measures outlined in this document, all potentially significant effects would be reduced to less than significant levels.

DETERMINATION

On the basis of the information contained in this Initial Study, I find that the proposed project could not have a significant effect on the environment and a **MITIGATED NEGATIVE DECLARATION** will be prepared.

Signature: _____

Name & Title: Steve Stewart, Senior Planner

Date: December 22, 2011

References:

East Alameda County Conservation Strategy (EACCS). 2010. <http://www.eastalco-conservation.org/>

California Department of Conservation (CDOC). 2010. Farmland mapping and monitoring program: FMMP survey area; extent of mapping 2010. Accessed on the internet at: http://www.consrv.ca.gov/DLRP/fmmp/overview/survey_area_map.htm (December, 2010).

Coats, R., M. A. Showers, and B. Pavlik. 1988. *A management plan for the Springtown alkali sink wetlands and the endangered plant Cordylanthus palmatus*. San Francisco, CA: Phillip Williams and Associates.

ICF International. 2010. *Basis of Design for Wetland Mitigation for the Livermore Toyota Wetland Mitigation Project*. Prepared for the City of Livermore.

ICF International. 2010. *Addendum No. 2 to Basis of Design for Wetland Mitigation for the Livermore Toyota Wetland Mitigation Project*. Prepared for the City of Livermore.

Questa Engineering Corporation and Weiss Associates. 1998. *Hydrologic Analysis of the Springtown Alkali Sink, Livermore, California*. November. Prepared for the City of Livermore, County of Alameda, and the U.S. Bureau of Reclamation.

US Fish & Wildlife Service. 2011. *Reinitiated Biological Opinion for the Livermore Toyota Dealership Project, Livermore, Alameda County, California (Corps File#2008-00163S)*

IX. MITIGATION AND MONITORING PROGRAM

This Mitigation and Monitoring Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the Springtown Wetland Mitigation Project (proposed project). The MMRP lists mitigation measures recommended in the IS/MND for the proposed project and identifies mitigation monitoring requirements. This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project. The MMRP is organized in a matrix. The first column identifies the mitigation measure. The second column, entitled "Monitoring Program," refers to the monitoring action. The third column, entitled "Implementation Responsibility," refers to the person or agency responsible for implementing the mitigation measure. The third column, entitled "Monitoring Responsibility," refers to the agency ensuring, through monitoring, that the mitigation measure has been implemented. The last column, entitled "Timing" identifies the timing of the monitoring action.

Mitigation Measures		Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
BIOLOGICAL RESOURCES					
<p>BIO-1: Prior to construction, a qualified biologist shall conduct surveys to confirm the presence or absence of California tiger salamander, California red-legged frog, San Joaquin kit fox, burrowing owl, and ground nesting pollinators (primarily bees) in the project area. If individuals and/or nests are found, work will not begin until they are moved out of the construction zone to a USFWS/CDFG approved relocation site.</p>		Perform preconstruction surveys; exclude special status species	Applicant; Contractor	Applicant; Livermore Community Development Department (CDD)	Prior to construction; during construction
<p>BIO-2: For the wetland mitigation site, preconstruction surveys of all ground-disturbed areas shall be done for California tiger salamander, including use of a fiber optic scope, for any suitable burrows in the disturbance footprint. Occupied burrows shall not be disturbed. If a California tiger salamander is encountered during any project activities (outside of a burrow), construction will cease until the salamander is removed by the Service-approved biologist and relocated to a suitable location in the Springtown</p>		Perform preconstruction surveys; exclude special status species	Applicant; Contractor	Applicant; Livermore CDD	Prior to construction; during construction

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>Preserve. The USFWS and CDFG will be notified within one (1) business day of any California tiger salamander relocation.</p>				
<p>BIO-3: For the wetland mitigation site, a Service-approved biological monitor will be present at the construction area during ground-disturbing activities and vegetation removal. The biological monitor will thoroughly inspect any open trenches for the presence of California red-legged frog, San Joaquin kit fox and California salamander at the beginning of each workday. If either species is found, the biologist will immediately contact the Service for direction on how to proceed. If either species is in immediate danger of being injured or killed, the monitor will have the authority to halt construction activities, through communication with the resident inspector or his/her designee, until the species has either moved of its own accord or is relocated from the construction area by the Service-approved biologist and released into nearby suitable habitat. The biological monitor will document the results of monitoring on construction monitoring log sheets.</p>	<p>Monitor ground disturbing activities; exclude special status species</p>	<p>Applicant; Contractor</p>	<p>Applicant/ Livermore CCD</p>	<p>During construction</p>
<p>BIO-4: The project applicant shall compensate for the temporary and permanent loss of upland habitat for California tiger salamander, California red-legged frog, San Joaquin kit fox, and burrowing owl by acquiring and placing under permanent conservation easement, 2.7 acres of suitable upland habitat. The compensation upland is subject to approval by the US Fish & Wildlife Service and California Department of Fish & Game.</p>	<p>Replace/protect habitat</p>	<p>Applicant</p>	<p>Livermore CDD; CDFG, USFWS</p>	<p>Before construction</p>
<p>BIO-5: Mowing and grading will be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1" or greater, to May 1. Wetland planting activities may take place after October 15 at the wetland mitigation site.habitat</p>	<p>Protect habitat;</p>	<p>Applicant; contractor</p>	<p>Applicant Livermore CDD; USFWS; CDFG</p>	<p>During construction; after construction</p>
<p>BIO-6: Identified Palmate-bracted bird's beak based on the June 2, 2010 survey will be identified and flagged, and work crews will be instructed to avoid these plants.</p>	<p>Protect habitat;</p>	<p>Applicant; Livermore CDD/contractor</p>	<p>Applicant, Livermore CDD; USFWS;</p>	<p>During construction.</p>

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>BIO-7: Prior to construction, a qualified botanist shall perform surveys of the project area to determine if Palmate-bracted bird's beak, San Joaquin spearscale, Congdon's tarplant, Livermore Valley tarplant. If these plants are identified, then they will be flagged and work crews will be instructed to avoid these plants.</p>	<p>Perform preconstruction surveys</p>	<p>Applicant; Livermore CDD/contractor</p>	<p>CDFG Applicant, Livermore CDD; USFWS; CDFG</p>	<p>Before construction</p>
<p>BIO-8: Prior to construction, a qualified biologist shall perform surveys to determine if burrowing owls are present within the project site.</p>	<p>Perform preconstruction surveys</p>	<p>Applicant; contractor</p>	<p>Applicant/Livermore CDD</p>	<p>Prior to construction</p>
<p>BIO-9: If an active burrowing owl nest is identified near the project site, work will be conducted outside of the nesting season (March 15 to September 1). If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone will be established by a qualified biologist. The no-activity zone will be large enough to avoid nest abandonment and will at a minimum be 250-foot radius from the nest. If burrowing owls are present at the site during the non-breeding period, a qualified biologist will establish a no-activity zone of at least 150 feet. If an effective no-activity zone cannot be established in either case, an experienced burrowing owl biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.</p>	<p>Avoid species nests</p>	<p>Applicant; contractor</p>	<p>Applicant, Livermore CDD; USFWS; CDFG</p>	<p>Before and during construction;</p>
<p>BIO-10: A qualified Service-approved biologist will conduct a preconstruction survey no more than 30 days before the beginning of ground disturbance or any activity likely to affect San Joaquin kit fox. This measure will be implemented in all off-road construction areas. The biologist will survey the proposed construction area and a 200-foot buffer area around the construction area to identify suitable dens. The biologist will</p>	<p>Perform preconstruction surveys</p>	<p>Applicant; contractor</p>	<p>Applicant/Livermore CDD</p>	<p>Prior to construction</p>

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>conduct den searches by systematically walking transects spaced 30-100 feet apart through the survey area. Transect distance should be determined on the basis of the height of vegetation such that 100% visual coverage of the project area is achieved. If dens are found during the survey, the biologist will map the location of each den as well as record the size and shape of the den entrance; the presence of tracks, scat, and prey remains; and if the den was recently excavated. The biologist will also record information on prey availability (e.g., ground squirrel colonies). The status of the den as defined by the Service should also be determined and recorded. Dens will be classified in one of the following four den status categories.</p> <p>a. Potential den: Any subterranean hole within the species' range that has entrances of appropriate dimensions for which available evidence is sufficient to conclude that it is being used or has been used by a SJKF. Potential dens comprise (1) any suitable subterranean hole; or (2) any den or burrow of another species (e.g., coyote, badger, red fox, or ground squirrel) that otherwise has appropriate characteristics for SJKF use.</p> <p>b. Known den: Any existing natural den or artificial structure that is used or has been used at any time in the past by a SJKF. Evidence of use may include historical records; past or current radiotelemetry or spotlighting data; SJKF signs such as tracks, scat, and/or prey remains; or other reasonable proof that a given den is being or has been used by an SJKF.</p> <p>c. Natal or pupping den: Any den used by SJKF to whelp and/or rear their pups. Natal/pupping dens may be larger with more numerous entrances than dens occupied</p>				

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>exclusively by adults. These dens typically have more SJKF tracks, scat, and prey remains in the vicinity of the den, and may have a broader apron of matted dirt and/or vegetation at one or more entrances. A natal den, defined as a den in which SJKF pups are actually whelped but not necessarily reared, is a more restrictive version of the pupping den. In practice, however, it is difficult to distinguish between the two; therefore, for purposes of this definition either term applies.</p> <p>d. Atypical den: Any artificial structure that has been or is being occupied by a SJKF Atypical dens may include pipes, culverts, and diggings beneath concrete slabs and buildings.</p> <p>e. Written results of the surveys will be submitted to USFWS and CDFG within 1 week of the completion of surveys and prior to the beginning of ground disturbance and/or construction activities likely to affect SJKF.</p>	Establish exclusion zones	Applicant; contractor	Applicant/Liver more CDD; CDFG, USFWS	Prior to construction
<p>BIO-11: After preconstruction den searches and before the commencement of construction activities, a qualified Service-approved biologist will establish and maintain the following exclusion zones measured in a radius outward from the entrance or cluster of entrances of each den. Potential and atypical dens: A total of 4-5 flagged stakes will be placed 50 feet from the den entrance to identify the den location.</p> <p>a. Known den: Orange construction barrier fencing will be installed between the construction work area and the known den site at a minimum distance of 100 feet from the den. The fencing will be maintained until all</p>				

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>construction-related disturbances have been terminated. At that time, all fencing will be removed to avoid attracting subsequent attention to the den.</p> <p>b. Natal/pupping den: The Service will be contacted immediately if a natal or pupping den is discovered at or within 200 feet from the boundary of the construction area.</p> <p>c. Construction and other project activities will be prohibited or greatly restricted within these exclusion zones. Only essential vehicular operation on existing roads and foot traffic should be permitted. All other construction activities, vehicle operation, material and equipment storage, and other surface-disturbing activities will be prohibited in the exclusion zones.</p> <p>d. In cases where avoidance is not a reasonable alternative, limited destruction of potential SJKF dens will be allowed. Potential dens can be removed by careful hand excavation by, or under the supervision of, a Service-approved biologist, after the dens have been monitored for 3 days with tracking medium or a remote sensor camera and determined to be vacant. If, during excavation or monitoring, a potential den is determined to be currently or previously used (e.g., SJKF sign found inside) by SJKF, then destruction of the den or construction in that area will cease and the Service will be notified immediately.</p>	Establish	Applicant,	Livermore.	Prior to
BIO-12: If vernal pools, clay flats, alkaline pools, ephemeral				

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>stock tanks, or sandstone pools, or drainage ditches are present, a qualified biologist will stake and flag an exclusion zone for vernal pool fairy shrimp, longhorn fairy shrimp prior to construction activities. The exclusion zone will be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone will encompass the maximum practicable distance from the worksite and at least 250 feet from the aquatic feature wet or dry. No herbicide will be applied within 100 feet of exclusion zones, except when applied to cut stumps or frilled stems or injected into stems. No broadcast applications will be applied.</p> <p>BIO-13: Temporary exclusion fencing shall be placed surrounding the wetland mitigation project footprint, including the construction area, temporary access road, spoils placement and staging areas.</p> <p>BIO-14: For the wetland mitigation site, restrictions and guidelines that must be followed by construction personnel, are as follows:</p> <ul style="list-style-type: none"> a. The contractor will clearly delineate the project boundaries and prohibit any off-road traffic outside these boundaries. b. Project-related vehicles will observe a speed limit of 20-miles-per-hour on the unpaved road in the project area. c. No pets will be allowed in the action area. d. No firearms will be allowed in the action area except those carried by authorized personnel or local, state, or federal law enforcement officials. 	<p>exclusion areas</p>	<p>Contractor</p>	<p>Applicant, Livermore CDD; CDFG, USFWS</p>	<p>construction</p>
<p>Establish exclusion area</p>	<p>Applicant; contractor</p>	<p>Applicant, Livermore CDD</p>	<p>Prior to construction; during construction</p>	<p>Project site working conditions</p>
<p>Project site working conditions</p>	<p>Applicant, Contractor</p>	<p>Applicant, Contractor, Livermore CDD</p>	<p>Before and during construction.</p>	

Mitigation Measures	Monitoring Program	Implementation Responsibility	Monitoring Responsibility	Timing
<p>e. Any worker who inadvertently injures or kills a federally or state listed species or finds one dead, injured, or entrapped will immediately report the incident to the resident inspector or biological monitor. The USFWS and CDFG will be verbally notified within 1 working days of the incident.</p>				
NOISE				
<p>NOISE-1: The following measures shall be implemented to reduce potential construction noise impacts on nearby sensitive receptors:</p> <p>a. During all site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.</p> <p>b. The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p> <p>c. The construction contractor shall located equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</p>	Comply with City of Livermore Noise Element	Applicant, Contractor	Applicant, Contractor, Livermore CDD	During construction

MITIGATED NEGATIVE DECLARATION

PROJECT

Title: Springtown Wetland Mitigation
Location: South of Raymond Road, west of Ames Street, north of Hartford Avenue, and east of Lorraine Road.
Description: Construction of an approximately 0.24 acre seasonal wetland on a City-owned property within the Springtown Alkali Sink Preserve.
Applicant: City of Livermore
Property Owner: City of Livermore
City's Contact: Steve Stewart, Senior Planner
Telephone: (925) 960-4450

FINDINGS

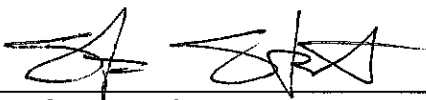
It is hereby determined that, based on the information contained in an Initial Study on file in the Planning Division, the project will not have a significant adverse effect on the environment.

The following potentially significant impacts were identified in the Initial Study. Mitigation measures have been included in the project which reduce the impacts to a non-significant level.

Biological Resources
Noise

The following non-significant environmental impacts were identified in the Initial Study:

Soil compaction	Light and glare
Topography modifications	Land use modifications
Soil erosion	Hazardous materials
Geological hazards	Population increases
Air emissions	Housing balance
Objectionable odors	Additional traffic
Water absorption	Parking facilities
Flood channel modifications	Transportation systems
Flooding hazards	Traffic hazards
Plant diversity	Public services
Agricultural crops	Energy
Aesthetics	Utilities
Historical buildings	

By Signature: 
Name & Title: Steve Stewart, Senior Planner
Date: December 22, 2011
Lead Agency: City of Livermore

