



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Sacramento Fish and Wildlife Office  
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In reply refer to:  
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Calaveras County  
Community Development Agency  
Building Planning & OSS

Mr. Robert Sellman  
Calaveras County Planning Department  
891 Mountain Ranch Road  
San Andreas, California 95249

Subject: Comments on the Notice of Preparation for a Revised Draft  
Environmental Impact Report for the Ridge at Trinitas Project, Calaveras  
County, California

Dear Mr. Sellman:

This letter represents the U.S. Fish and Wildlife Service's (Service) initial comments on the Notice of Preparation (NOP) of a Revised Draft Environmental Impact Report (DEIR) for the Ridge at Trinitas Project, Calaveras County (County). Our comments are based on our review of the June 2007, *Draft Environmental Impact Report for 2004-114 Zoning Amendment, Tentative Subdivision Tract Map, and Conditional Use Permit for Michael Nemea – The Ridge at Trinitas*, prepared by Larson Consulting, the February 7, 2007, *Biological Resource Assessment for the 341-Acre Trinitas Project Site, Calaveras County, California* (biological assessment), prepared by North Fork Associates, and the January 4, 2007, *Wetland Delineation for the 341-Acre Trinitas Project Site, Calaveras County, California*, prepared by North Fork Associates. We received the NOP on May 12, 2008, via fax from a private individual. We understand that the due date for comments on the NOP was May 5, 2008; however, our office did not receive a copy of the NOP from your office when the NOP was issued on March 28, 2008. The Service provided a comment letter to your office on the original DEIR on August 6, 2007 (Service file number 1-1-07-TA-1443).

At issue are the potential effects of the proposed project on the federally endangered vernal pool tadpole shrimp (*Lepidurus packardii*), threatened vernal pool fairy shrimp (*Branchinecta lynchi*), threatened California tiger salamander (*Ambystoma californiense*), threatened California red-legged frog (*Rana aurora draytonii*), threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and other federally listed species that may be present on the proposed project sites. Our comments are provided in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

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The proposed project site encompasses approximately 280 acres and is located adjacent to Ospital Road midway between Highways 12 and 26 in the community of Wallace. The proposed project site consists of gently rolling grassland and oak woodland, approximately 14 acres of chaparral, and 4.5 acres of riparian habitat along seasonal drainages. In addition, other uses on the site consist of an existing, private 18-hole golf course on approximately 95 acres, an olive orchard on 14 acres, a 9,000 square foot residence, and a 5,000 square foot golf course maintenance building. Surrounding land uses include rural residential development and agricultural operations. The proposed project would change the existing zoning designation to allow the existing private golf course to be opened to the public, construct a clubhouse and a 30-room lodge, and split the existing two parcels into 14 separate lots for single family home construction.

The existing golf course (Trinitas Golf Course) was constructed between 2001 and 2005. According to the County, construction of the golf course for personal use was permitted "by right" in the General Agriculture (A1) zoning district. The following list includes some of the activities that took place during construction of the golf course:

- 1) Construction in creeks - a series of cobble rock dams were constructed in the creeks on the property to insure proper retention of silt running off the property.
- 2) Drainage ditches - a series of drainage ditches were constructed in the summer of 2003 to direct runoff to holding ponds and seasonal streams. The banks were lined with concrete and native cobble rocks to prevent erosion and provide structural integrity.
- 3) Irrigation system - from July 2005 to April 2005 an automated irrigation system was installed. This involved trenching and installation of 90,000 feet of pipe.
- 4) Cart paths - 40,000 linear feet of concrete cart paths were installed along with 10 arched culvert bridges.
- 5) Greens construction – 19 putting greens were constructed.
- 6) Pre-planting activities – 95 acres of irrigated land were tilled and power raked to remove rocks and debris. Additional sand was imported to cover some fairway areas needing additional topsoil.

Based on our understanding of the project, no permits were issued for the construction of the golf course and associated facilities. The Service can find no record of any request for endangered species consultation on the construction of the golf course or associated facilities. In addition, according to the Service's discussion with the California Department of Fish and Game, it appears as though there was no streambed alteration permit issued for the construction activities in the creek or consultation regarding the potential effects of construction of the golf course to state listed or sensitive species or migratory birds.

As we stated in our August 7, 2007, letter, the Service believes that the construction of the golf course, golf course facilities, and existing homes likely resulted in take of federally-listed species, including the California tiger salamander, vernal pool fairy shrimp, vernal pool tadpole shrimp, and valley elderberry longhorn beetle. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” any such animal. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR 17.3). Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service. During formal consultation, the Federal agency, the applicant, and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then the applicant should apply for an incidental take permit. The Service may issue such a permit if a satisfactory habitat conservation plan (HCP) for the species that would be affected by the project is submitted to us. Should surveys determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that the applicant work with this office and the CDFG to develop an HCP that minimizes the project’s direct and indirect impacts to listed species and mitigates for project-related loss of habitat. The applicant should include the plan in any environmental documents filed.

There are numerous documented occurrences of federally-listed species, including the California tiger salamander and vernal pool fairy shrimp, in the vicinity of the proposed project site. In addition, critical habitat for the California tiger salamander and documented occurrences of this species are present approximately 0.5 mile east of the project site. California tiger salamanders utilize aquatic habitat for breeding after the start of winter rains and spend the rest of the year in burrows or deep crevices in upland habitat. At other sites, California tiger salamanders have been documented in upland habitat approximately 1.24 miles from the nearest breeding habitat; therefore they are known to disperse long distances from breeding ponds to upland habitat. Based on our analysis of both historic and current aerial photographs of the project vicinity, numerous ponds and/or vernal pools appear to be present in the project vicinity that could provide suitable breeding habitat for the California tiger salamander. The biological assessment completed for the project site in February 2007 stated that a vernal pool present in the southeastern portion of the project site may provide suitable breeding habitat for the California tiger salamander. Suitable upland habitat for the California tiger salamander is present on a portion of the project site as well as surrounding lands and, based on our review of historic aerial photographs, was present to a much greater extent prior to the construction of the golf course and

associated facilities and residences. Therefore, it appears that construction of the golf course and associated facilities and residences resulted in the loss of suitable upland habitat and possibly aquatic habitat for the California tiger salamander. Because it appears that a wetland delineation was never completed on the project site prior to golf course construction, it is unknown whether vernal pools or seasonal wetlands were present prior to construction; however, it is likely that they were present because current aerial photographs show indicators of wetlands and vernal pools on similar adjacent properties. Also, a recent wetland delineation completed for the proposed project site in January 2007 documented the presence of wetland swales, seasonal wetlands, and vernal pools on the project site. Therefore, it is likely that the construction of the golf course resulted in the loss of additional vernal pools and/or seasonal wetlands which provide habitat for the California tiger salamander, vernal pool fairy shrimp, vernal pool tadpole shrimp, and some federally-listed and state sensitive plant species. Also, elderberry shrubs (*Sambucus* sp.), the sole host plant for the valley elderberry longhorn beetle, are present on the project site. Because it appears that no habitat assessment of the project site by a qualified biologist took place prior to construction, it is likely that elderberry shrubs may have been removed to facilitate construction of the golf course and associated facilities, resulting in take of the valley elderberry longhorn beetle.

Therefore, at this time, we believe that the revised DEIR should include a thorough analysis of the effects of the previously constructed golf course facilities (and any new proposed construction) to federally-listed, state-sensitive, and other wildlife species. This analysis should include the use of historic aerial photography to determine the distribution of vernal pools, drainages, seasonal wetlands, stock ponds, other aquatic habitat features, and other federally-listed species habitat (uplands) throughout the project site. Because most of the natural aquatic habitat features no longer exist, it is not possible to determine the hydrological characteristics of these features, for example the inundation period of the features. Therefore, the Service will likely assume that most, if not all, of these aquatic features provided suitable breeding habitat for the California tiger salamander, particularly due to the sites proximity to critical habitat for the California tiger salamander and known occurrences of this species. In addition, we will also likely assume that most, if not all, of the aquatic habitat features that were present on site prior to the construction of the golf course provided suitable habitat for the vernal pool fairy shrimp and vernal pool tadpole shrimp.

The Service requests that the revised DEIR contain a thorough analysis of habitat types destroyed by the construction of the existing golf course and facilities, a thorough analysis of the direct, indirect, and cumulative effects of any new proposed construction activities and prior construction activities to federally-listed species, as well as a comprehensive proposal to minimize the loss of habitat for federally-listed species that occurred as a result of the construction of the golf course and existing facilities as well as any new construction that may be considered for permitting. The conservation proposal and minimization measures in the revised DEIR should include a proposal to conserve similar land in the vicinity of the project site that provides suitable habitat for the California tiger salamander, vernal pool fairy shrimp, vernal pool tadpole shrimp, other federally-listed species that may have been present on the project site, and state-sensitive species that may have been present on the project site.

The Service also believes that on-site remediation should take place immediately (in consultation with the appropriate agencies), such as removal of rock cobble and dams from streams in the project site. The improper placement of this rock cobble is changing the natural state of streams on the project site and adversely affecting the ecology of the stream environment, as well as potentially adversely affecting federally-listed species habitat. We recommend that the County work with the applicant and appropriate agencies to accomplish this habitat restoration as soon as possible. In addition, other restoration measures that could serve to restore habitat or minimize the effects of unauthorized construction activities to federally-listed species habitat should take place as soon as possible in cooperation with the appropriate agencies. The preparation of an EIR and the CEQA review process can be quite lengthy, and the Service believes that listed species habitat is currently being degraded due to the unauthorized activities, resulting in not only a direct loss of habitat, but continuing temporal loss of habitat. Any remediation that is possible on-site to minimize direct and indirect effects of the unauthorized activities should be implemented as soon as feasibly possible.

If you have questions or concerns about this letter, please contact Mary Hammer or Susan Jones, the San Joaquin Valley Branch Chief, of my office at (916) 414-6630.

Sincerely,



Peter A. Cross  
Deputy Assistant Field Supervisor

cc:

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Kathy Norton, U. S. Army Corps of Engineers, Sacramento, California  
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