



DEPARTMENT OF FISH AND GAME

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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, CA 95249

Dear Mr. Sellman:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the Ridge at Trinitas project (SCH# 2005122135). The project consists of a plan to permit the operation of an already constructed golf course, and permit the future development of additional golf course amenities, including a residential subdivision. The project is located approximately three miles south of Wallace, in Calaveras County.

Wildlife habitat resources consist of a large area of rolling oak grassland habitat with stands of chaparral. Significant natural resources of the project include habitat for sensitive species. The U. S. Fish and Wildlife Service (FWS) has designated critical habitat for the California tiger salamander (*Ambystoma californense*) less than one mile from the project site. Additionally, a check of files kept by the California Natural Diversity Database files indicates records for tiger salamander, as well as, vernal pool fairy shrimp (*Branchinecta lynchi*), western spadefoot (*Scaphiopus hammondi*), and State and Federal-list plants. Three tributaries to Indian Creek cross the project site. Other water features include man-made ponds, vernal pools, and swales.

We find that the DEIR does not adequately address the project's impacts to wildlife, nor does it provide appropriate mitigation. Following are our concerns:

1. Impacts to Sensitive Plants

The DEIR does not provide a useful picture of the project's impact on sensitive plants. Floristic information regarding the project site was compiled after the golf course was already completed; consequently there's is no way of knowing the true impact to sensitive plants. Since nearby CNDDDB records indicate that sensitive species might have been present onsite, we recommend that a prudent approach would be to assume that, in the absence of any other information, sensitive plants were present wherever suitable habitat existed. Using this approach and aerial photos taken before any

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construction occurred, the DEIR should be revised to include an estimate of the amount and kind of habitat needed to compensate the loss of suitable habitat that occurred during the construction of the project (current golf course and amenities). The DEIR should also be revised to contain a mitigation plan that off-sets that loss. Because this project was previously completed without appropriate public disclosure through the California Environmental Quality Act (CEQA) and without obtaining other appropriate permits (e.g., Lake & Streambed Alteration Agreement), mitigation should be required at a minimum of 3:1 based on both the quality and quantity of the area that was impacted. The mitigation plan should provide for in perpetuity conservation of the resources being protected, including a financial commitment for in perpetuity management of those resources.

Regarding proposed future development of the project, we recommend that the DEIR be revised to include the results of a floristic survey that is designed to detect sensitive plants. The survey should be conducted during the appropriate seasons and follow DFG protocol. If sensitive plants are discovered, then the DEIR should contain a means of reducing impacts to sensitive below a level that is significant.

2. Indian Creek and its tributaries

DFG has been informed that stream drainages within the project site have been lined with cobble. A check of DFG records indicates that this work was completed without notifying DFG. Failure to notify DFG when conducting work in a stream is a violation of Section 1600 of the Fish and Game Code, and may be subject to prosecution. The Department **will not** issue an Agreement under Section 1600 "after-the-fact" for work previously completed in violation of the provisions of this Section of the Fish and Game Code.

We recommend that the DEIR be revised so that it analyzes whether the continued development of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the DFG under section 1600 et seq. of the Fish and Game Code. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and water

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courses. Impacts triggering regulation by the DFG under these provisions of the Fish and Game Code typically result from activities that:

- Divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake;
- Use material from a streambed; or
- Result in the disposal or deposition of debris, waste, cobble, or other material where it may pass into any river, stream, or lake.

In the event implementation of the proposed project involves such activities, and those activities will result in reasonably foreseeable substantial adverse effects on fish or wildlife, a Lake or Streambed Alteration Agreement (LSAA) will be required by the DFG. Because issuance of a LSAA is subject to review under the California Environmental Quality Act (CEQA), the DEIR should analyze whether the potentially feasible mitigation measures set forth below will avoid or substantially reduce impacts requiring a LSAA from the DFG.

3. Cumulative Impacts

The Cumulative Impacts section 21.5 of the DEIR contains contradictory information regarding the project's cumulative effects. On one hand, cumulative impacts to biological resources are deemed to be less than significant,

"In terms of the proposed project, the golf course area provides open space and maintains habitat areas and migration corridors whereby the proposed project would have a less than significant impact on biological resources."

and near the end of the Cumulative Effect section the DEIR states:

"However, there would still be significant and unavoidable cumulative impacts to biological resources through the reduction of suitable habitat stemming from overall development in Calaveras County for which no mitigation measures are available."

We find neither statement to be entirely true. The cumulative loss of oak grassland, and vernal pool habitat, in our opinion, is a significant effect. However, we believe that this impact can be mitigated.

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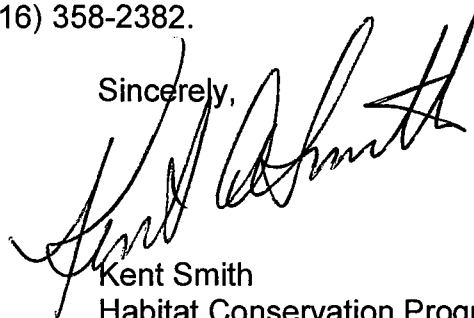
As noted above, the FWS has identified critical habitat for the California tiger salamander a short distance from the project site. Similarly, a State-wide assessment of vernal pool resources (Holland, 19xx) identified the presence of vernal pools in the area near the project site. In order to lessen the cumulative impacts of the present project and address cumulative loss of sensitive species habitat in western Calaveras County, we recommend that the DEIR be revised to contain a map that identifies where important vernal pool and other sensitive species habitats are located in relation to the proposed project and contain a mitigation plan that incorporates this information.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Staff Environmental Scientist, at (209) 369-8851 or, myself at (916) 358-2382.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Smith", is written over the typed name and title.

Kent Smith
Habitat Conservation Program Manager

Cc: Ms. Susan Jones
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