

East Dunne Hillside Water Reservoir Project Initial Study/Mitigated Negative Declaration

Erratum Sheet May 2, 2024

This erratum sheet presents, in ~~strike-through~~ and double-underline format, the revisions to the Initial Study/Mitigated Negative Declaration (IS/MND) for the East Dunne Hillside Water Reservoir Project (proposed project). The revisions to the IS/MND reflected in this erratum sheet do not affect the adequacy of the previous environmental analysis contained in the IS/MND. Because the changes presented below are for purposes of clarification and would not result in any new significant impacts not previously identified in the IS/MND, recirculation of the IS/MND is not required, pursuant to CEQA Guidelines Section 15073.5.

The California Department of Fish and Wildlife (CDFW) provided a comment letter (April 29, 2024) on the IS/MND. In its letter, the CDFW recommended including an evaluation of potential impacts to Crotch's bumble bee (*Bombus crotchii*), which is currently a Candidate Endangered species under the California Endangered Species Act (CESA), and the American badger (*Taxidea taxus*), which is considered rare under CEQA (CEQA Guidelines, §15380 subds. [b][2]) because the CDFW has designated the species as a California Species of Special Concern (SSC). In response to the CDFW's comments, page 29 of the IS/MND is hereby revised as follows:

Although unlikely to occur on-site, due to the species' local significance, it is noted that multiple occurrences of California tiger salamander (*Ambystoma californiense*) have been recorded within a three-mile radius of the project site. However, suitable aquatic habitat for the species is not present within the BSA or in the project vicinity. Due to a lack of nearby breeding habitat, California tiger salamander is not expected to occur on-site, and thus, impacts to such species would not occur.

In addition, while the Crotch's bumble bee (*Bombus crotchii*), which is currently a Candidate Endangered species under the California Endangered Species Act (CESA), has not been observed at the project site or the project vicinity, the species has been observed throughout Santa Clara County. The biological survey conducted by Wood Biological Consulting, Inc. in July 2016 did not include focused wildlife or botanical surveys and was conducted prior to the listing of the Crotch's bumble bee as a Candidate Endangered Species. While the survey was conducted during the peak bloom period, surveys did not specifically include assessments for bumblebee or floral resource presence. As such, the surveys did not confirm the absence or presence of Crotch's bumble bee within the project site or project vicinity. Additionally, habitat assessments did not include the entirety of the Crotch's bumble bee life cycle (i.e., nesting such as rodent burrows and overwintering such as leaf litter). Therefore, the potential exists for Crotch's bumble bee to occur on the project site and the Crotch's bumble bee could be impacted by development of the proposed project.

Furthermore, the American badger (*Taxidea taxus*) is considered rare under CEQA [CEQA Guidelines, §15380 subds. (b)(2)] due to designation by CDFW as a California Species of Special Concern (SSC). According to the CDFW, the American badger has occurred within 0.25-mile of the project site, and the project site contains grassland habitat, which could potentially support the species. In addition, the land surrounding the project site is considered to be core habitat for the American badger. Because the biological survey conducted by Wood Biological Consulting, Inc. in July 2016 did not include focused wildlife or botanical surveys, the absence or presence of the American badger within the project site and project vicinity was not confirmed. Therefore, the potential exists for American badger to occur on the project site and, thus, the American badger could be impacted by development of the proposed project.

Based on the above, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, and, with incorporation of mitigation, a **less-than-significant impact** would occur.

Similarly, Mitigation Measures MM-BIO-2 and MM-BIO-3 have been included on page 31 of the IS/MND as follows:

MM-BIO-2: Crotch's Bumble Bee

Prior to commencement of construction activities, a habitat assessment shall be conducted by a qualified entomologist knowledgeable with the life history and ecological requirements of Crotch's bumble bee and submitted to the City of Morgan Hill Development Services Department for review. The habitat assessment shall include all suitable nesting, overwintering, and foraging habitats within the Project area and surrounding areas. Potential nest habitat (February through October) could include that of other *Bombus* species such as bare ground, thatched grasses, abandoned rodent burrows or bird nests, brush piles, rock piles, and fallen logs. Overwintering habitat (November through January) could include that of other *Bombus* species such as soft and disturbed soil or under leaf litter or other debris. The habitat assessment shall be conducted during peak bloom period for floral resources on which Crotch's bumble bees feed. Further guidance on habitat surveys can be found within Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (<https://wildlife.ca.gov/Conservation/CESA>).

If Crotch's bumble bee habitat is present within the project area, a pre-construction survey shall be conducted by a qualified entomologist familiar with the behavior and life history of Crotch's bumble bees and submitted to the City of Morgan Hill Development Services Department. If CESA candidate bumble bees will be captured or handled, surveyors should obtain a 2081(a) Memorandum of Understanding from CDFW.

Surveys shall be conducted during the colony active period (i.e., April through August) and when floral resources are in peak bloom. Bumble bees move nest sites each year, therefore, surveys shall be conducted each year that project work activities will occur. Further guidance on presence surveys can be found within the Survey Considerations for CESA Candidate Bumble Bee Species, referenced above.

If Crotch's bumble bees are detected during pre-construction surveys, a Crotch's bumble bee avoidance plan shall be developed and provided to City of Morgan Hill Development Services Department and CDFW for review prior to work activities involving ground disturbance or vegetation removal.

MM-BIO-3: American Badger

A qualified biologist shall conduct focused den surveys (e.g., walking line transect surveys) within the project area and within a 250-foot radius surrounding the work area, to the maximum extent feasible, at least 14 days prior to the start of construction activities, as well as daily prior to beginning the ground-disturbing work for the day. The focused den surveys shall be submitted to the City of Morgan Hill Development Services Department for review.

If American badger dens are observed at the project site, and the construction activities for the proposed project are to occur during the gestation and pup-rearing period (i.e., February 15 through July 1), a buffer of 250 feet shall be established around the den complex and construction activities shall not occur within the 250-foot buffer. A qualified biologist shall monitor the observed den(s) to detect when young American badgers are nearing independence (e.g., can be observed emerging from den opening or are located outside of the den) and disperse.

After the gestation and pup-rearing period for the American badger, a qualified biologist shall conduct focused surveys to determine if the American badger den is active (e.g., burrow scoping, camera stations, track plates, observation of new signs such as tracks, claw marks, or fur). If it is determined that the American badger den is active, and it is not feasible to establish an avoidance buffer surrounding the active den, an American Badger Mitigation Plan shall be developed and submitted to the City of Morgan Hill Development Services Department and CDFW. Any American badger habitat permanently lost shall be compensated at a suitable offsite location at a minimum 1:1 replacement ratio with the same or greater quality habitat.

The City agrees to and hereby implements these changes to the IS/MND. The aforementioned revisions are for clarification purposes only and do not affect the conclusions of the IS/MND related to biological resources, which remain less-than-significant with the implementation of mitigation measures.