Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

510 834 4455 OFFICE

info@rinconconsultants.com
www.rinconconsultants.com

February 22, 2023
Project No: 20-09840

Andrew Metzger
Circlepoint
200 Webster Street, Suite 200
Oakland, California, 94612
Via email: A.Metzger@circlepoint.com

Subject: Biological Resources Technical Memorandum for the Alameda County Transportation Commission Rail Safety Enhancement Program
Berkeley Sites, Alameda County, California

Dear Mr. Metzger:

Rincon Consultants, Inc. was retained by Circlepoint to prepare a biological resources technical memorandum in support of an Initial Study – Mitigated Negative Declaration (IS-MND) under the California Environmental Quality Act (CEQA) and a Categorical Exclusion (CE) under the National Environmental Policy Act (NEPA) for the proposed Alameda County Transportation Commission (CTC) Rail Safety Enhancement Program (SEP) at two locations in Berkeley, CA. A NEPA CE is proposed under the assumption that the proposed project would not individually or cumulatively have a significant effect on the human environment. Rincon evaluated the existing biological conditions of the project site with the goal of assessing if proposed project plans would have potentially significant impacts to sensitive biological resources or individually or cumulatively have a significant effect on the human environment.

Project Description

The project consists of improvements for rail safety at two existing railroad crossing locations in the City of Berkeley - Virginia Street and Hearst Street. Design of improvements vary between the two sites but will include removing portions of existing pavement/concrete and installing new roadway striping/pavement marking, roadside signs, medians, curb and gutter, security access gates/fencing, signage, pavement, or ADA-detectable pavers. These improvements are meant to upgrade outdated or non-functioning safety equipment that already occurs at the crossings and will involve minor excavation to replace paved areas.

Methods

Field Survey

Rincon biologist Anastasia Ennis conducted a reconnaissance survey of the project sites on April 15, 2021, between the hours of 1200 and 1300 to document existing site conditions, assess vegetation communities, and evaluate the potential for the sites to support special status species habitat, including sensitive plant and wildlife species.

Literature and Desktop Review

Rincon conducted record searches of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB, 9-quad search). The California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants and the United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) were also accessed for this review to obtain comprehensive information regarding State- and federally-listed species, as well as other special status species and sensitive plant communities considered to have potential to occur or known to occur within the *Oakland West, California, California* USGS 7.5-minute topographic quadrangles and/or surrounding eight quadrangles. References are provided in Attachment A.

Existing Conditions

The project sites are in mostly paved, developed urban areas (Attachment B, Figure 1). The two crossings in Berkeley occur within entirely developed area that is predominantly paved except for the gravel shoulder next to the railroad tracks (Attachment B, Figures 2a and 2b). Both local streets are two-lane side streets with existing railroad gates (one in each direction) with lights and street painting at the crossing location. No evidence of waters or wetlands was observed within or surrounding the project site at either crossing location. Land use surrounding the project site is residential, commercial, and industrial (see photos in Attachment C).

Vegetation observed within or adjacent to the project sites included London plane (*Platanus* x *acerifolia*), bottlebrush (*Callistemon* sp.), Indian hawthorn (*Raphiolepis indica*), fennel (*Foeniculum vulgare*), cheeseweed (*Malva parviflora*), and common ivy (*Hedera helix*). No natural communities are present near the project sites. Native plants present were planted as ornamentals.

Bird species observed in or near the project sites were limited to the American crow (*Corvus brachyrhynchos*) and house finch (*Haemorhous mexicanus*).

Special Status Species

The review of the resource agency databases for known special status species occurrences within the 9 USGS quadrangles containing and surrounding the project sites identified 84 special status animal species and 102 special status plant species. The sites were evaluated for their potential to provide habitat value for these species. While none of the work areas at the project sites contain suitable habitat for special status species, adjacent landscaped vegetation or structures that occur nearby may provide marginally suitable habitat. Of the species known to occur in the region, the following rare or protected species (four [4] animals and two [2] plants) are known to occur in habitat types with characteristics similar to those in in the vicinity of the project sites : California overwintering populations of monarch butterfly (*Danaus plexippus* population 1), peregrine falcon (*Falco peregrinus anatum*), pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*) and two-fork clover (*Trifolium amoenum*).

Overwintering populations of the monarch butterfly (federal candidate endangered species) have been observed within five miles of the project sites in parks and on golf courses (CDFW 2023a). Even in urban areas, monarch butterflies will settle in groves of trees along their migration route. No groves of trees are present in the vicinity of the project sites, and due to their locations in high traffic and active railway

areas and lack of recorded occurrences near any of the project sites, no impacts to the monarch butterfly are expected.

The peregrine falcon (State fully protected species) has multiple nest locations recorded within five miles of the project sites (CDFW 2023a).There is no suitable nesting habitat (e.g., cliffs or skyscrapers) for peregrine falcon on or adjacent to the project site; however, this species has a low potential to forage within or near the project sites. Project impacts are limited to paved or disturbed areas and are unlikely to have significant effects on foraging grounds for this species, which typically hunts in the air. Thus, impacts are not expected.

Occurrence records for the pallid bat and Townsend's big-eared bat (both State species of special concern) have been recorded within 5 miles of the project site (CDFW 2023a). Pallid bats are found in grasslands, shrublands, woodlands, and forests, and may roost in trees or buildings. Townsend's big-eared bat are found in a wide variety of habitats and may roost in abandoned buildings or large trees. Although buildings and trees near the project sites provide marginal roosting sites, due to the disturbed and urbanized locations of the project sites, impacts to these two bat species are not expected.

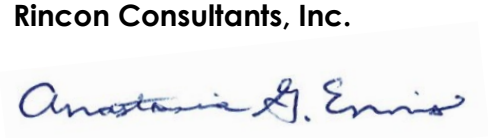
Saline clover and congested-headed hayfield tarplant are CNPS List 1B.2 plants. Saline clover has numerous occurrences within 5 miles of the project sites, but all are historic, dating to 1900 or prior, and noted as likely extirpated (CDFW 2023a). Congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*; 1B.2) is found in grassy valleys and hills, fallow fields, and sometimes on roadsides. No occurrences have been recorded within five miles of the project sites. The project sites do not currently provide suitable habitat for either of the rare plant species due to high levels of disturbance, long-time development of areas in and surrounding the sites, and the absence of native vegetation communities on the project sites.

Conclusions

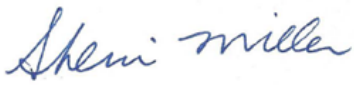
The existing conditions of the project sites are developed, predominantly paved, highly disturbed, and isolated as a result of surrounding residential, commercial, and industrial development. Project sites are adjacent to landscaped vegetation and buildings that may provide marginally suitable habitat for nesting birds and roosting bats; however, construction impacts are confined to previously developed areas and are unlikely to affect special status species. The proposed project will not have a significant impact to sensitive biological resources and no significant individual or cumulative impacts to biological resources are expected.

Thank you for the opportunity to provide environmental support on this project service. Please contact us if you have questions, or if we can be of further assistance.

Sincerely,
Rincon Consultants, Inc.



Anastasia G. Ennis, M.S.
Associate Biologist



Sherri Miller, M.S.
Principal Biologist

Attachments

Attachment A	References
Attachment B	Figures
Attachment C	Site Photographs

Attachment A References

California Department of Fish and Wildlife. 2023a. California Natural Diversity Database (CNDDB) Rarefind 5. Available at: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data (accessed February 2023).

_____. 2023b. Biogeographic Information and Observation System (BIOS). http://bios.dfg.ca.gov. (Accessed February 2023).

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United States Fish and Wildlife Service (USFWS). 2023. Information for Planning and Consultation. Available at: https://ecos.fws.gov/ipac/ (accessed February 2023).

____. 2020. National Wetlands Inventory (NWI). Version 2. Updated May 5, 2020. Available at: https://www.fws.gov/wetlands/Data/Mapper.html (accessed April 2021).

United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS). 2021. Web Soil Survey. Soil Survey Area: Alameda County, California. Soil Survey Data: Version 8. Available at: http://websoilsurvey.nrcs.usda.gov/app/. (Accessed April 2021).

Attachment B Figures

Figure 1 Regional Location

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Group 1 Fig 1 Regional Location pt1

- Project Location
1. Virginia Street
2. Hearst Avenue

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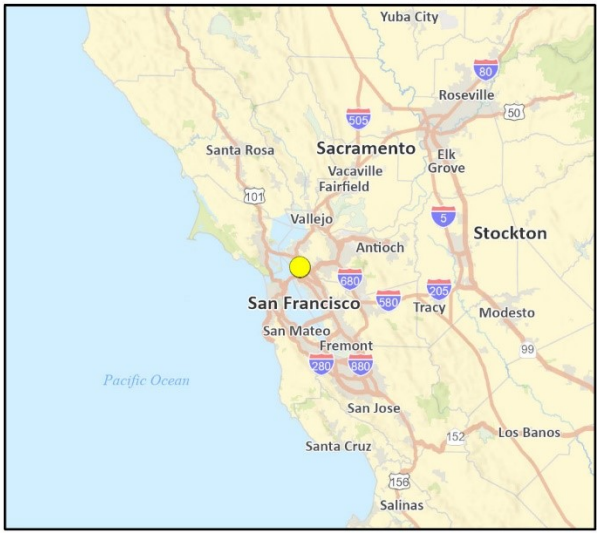

Figure 2a Project Location - Virginia Street, Berkeley

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Group 1 Fig 2 Project Location_DDP

Figure 2b Project Location - Hearst Avenue, Berkeley

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Group 1 Fig 2 Project Location_DDP

Attachment C Site Photographs

Photograph 1. Virginia Street, Berkeley - overview of railroad crossing from southeast corner, facing north.

Photograph 2. Virginia Street, Berkeley - overview of railroad crossing from northeast corner, facing southwest.

Photograph 3. Virginia Street, Berkeley - view of existing sign and pavement marking east of railroad crossing, facing west.

Photograph 4. Hearst Avenue, Berkeley - overview of railroad crossing from northwest corner, facing southeast.

Photograph 5. Hearst Avenue, Berkeley - overview of railroad crossing from southeast corner, facing north.

Photograph 6. Hearst Avenue, Berkeley - overview of railroad crossing from northeast corner, facing west.

Photograph 7. Hearst Avenue, Berkeley - overview of railroad crossing from southwest corner, facing northeast.