



April 3, 2020

Omaha Fremont LLC
c/o Hayes Shair
2540 Bridle Path Drive
Gilroy, CA 95020

Subject: Reply to Biological Resource Comments
Omaha Way Subdivision, Fremont

Dear Hayes:

City of Fremont staff (Mark Hungerford) in an email to you dated January 8, 2020 requested that the Biological Resources Assessment LSA prepared dated January 12, 2018 be updated. He has two questions:

- Identify if the drainage channel at the north end of the site is a perennial or intermittent stream.
- Determine if the proposed setback of approximately 50 feet from the south bank of the creek is sufficient to protect the riparian habitat.

The Biological Resources Assessment identifies the creek as a perennial stream (pg. 4, paragraph 3) in the Section titled Regulated Waters and Wetlands. A perennial stream contains flowing or ponded water for the entire year when rainfall is average or above average. We based our determination on the presence of flowing water during our field visits and the presence of obligate hydrophytic vegetation (cattail, watercress), species which require year round water, growing in the bed of the creek. It is likely this stream had an intermittent flow prior to development in its upstream watershed. Irrigation runoff provides a source of summer flows in the season when similar streams with a natural watershed are dry.

The CBG Tentative Map dated December 19, 2017 indicates the setback from the creek top-of-bank to the Lot 1 lotline averages approximately 50 feet along its south bank. This setback distance is adequate to protect creek associated resources. Woody riparian vegetation will not be disturbed. The non-native grassland present within the proposed setback is composed of non-native weedy annual species that are regularly disturbed by annual discing. Vegetative conditions will remain essentially the same in the setback assuming mowing will be necessary for fire control.

The proposed development setback will also protect existing wildlife use of the riparian habitat. Wildlife species using the riparian habitat currently are urban adapted species due to the isolation of the site by surrounding development and the lack of a creek connection either upstream or downstream with undeveloped land. Wildlife use of the riparian habitat and species composition should remain the same with the setback as proposed.

Landslide stabilization is proposed for the north bank of the creek. The proposed method is to use the Geopier SRT System. It consists of driving Plate Pile elements through the slide mass into competent material. The work is proposed to occur outside the dripline of the riparian vegetation. Vegetative cover at the location of the slide repair is non-native grassland. When the slope repair is complete the slope will return to its current condition and habitat values will be restored. This work results in a temporary and less than significant impact on biological resources.

The project as proposed with no development in the riparian zone and no removal of riparian vegetation has no significant impacts on biological resources. We continue to recommend that barrier fencing be installed to prevent accidental encroachment into the riparian zone and that preconstruction surveys for nesting birds be undertaken if construction activities begin between February 1 and July 31.

Please let me know if you need additional information.

Sincerely,

LSA Associates, Inc.



Malcolm J. Sproul
Principal