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ALTAMONT MOTORSPORTS PARK

SAN JOAQUIN KIT FOX EARLY EVALUATION REPORT

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(I) INTRODUCTION

This report presents the findings of an Early Evaluation for San Joaquin kit fox (*Vulpes macrotis mutica*) conducted on the Altamont Motorsports Park project site. The report is intended to provide background information to the U.S. Fish and Wildlife Service (USFWS) to facilitate their evaluation of the project's impacts on the San Joaquin kit fox. A field survey was conducted and other information was compiled as required by the *San Joaquin Kit Fox Survey Protocol for the Northern Range* (USFWS 1999). The Early Evaluation Report is organized into the following sections:

I. Introduction
II. General Project Description
III. San Joaquin Kit Fox Sighting Records in Project Region
IV. Biological Characteristics of the Project Site
V. Continuity of Project Site with Surrounding Area
VI. Habitat Suitability of Project Site
VII. Project-Related Adverse Effects to San Joaquin Kit Fox
VIII. Recommended Mitigation
IX. Cumulative Effects

(II) GENERAL PROJECT DESCRIPTION

The Altamont Motorsports Park (project site) is 83-acres in size and is located approximately 10 miles east of the City of Livermore in the eastern portion of Alameda County. The project site is located immediately south of the Interstate (I)-580/I-205 interchange. As shown in **Figure 1**, **Project Site Location**, the site is generally bordered by I-580 to the north and east. The project site is bordered to the west and south by several residences and large expanses of undeveloped land.

Altamont Motorsports Park opened in 1963 as a dirt oval raceway and was paved and reconfigured in 1966. Currently, approximately 35-acres (of the 83-acre facility) are developed with a paved racetrack, a pit/paddock area, grandstands, and other supporting infrastructure.

The proposed project includes rezoning the site from "A-General Agriculture" to "P-Planned Development" (to provide for the continued use of the facility), the installation of a patio cover over the existing bleachers, the placement of two mobile homes on the site, and the installation of signage (to be viewed from I-580). The precise location of the proposed mobile homes and signage has not yet been determined.

(III) SAN JOAQUIN KIT FOX SIGHTING RECORDS IN PROJECT REGION

As shown in **Figure 2**, **Documented San Joaquin Kit Fox Occurrences**, the CNDDB contains numerous records of San Joaquin kit fox within 10 miles of the project site. These occurrences primarily occur to the northwest and southeast of the project site, with several occurrences also to the south and southwest of the site. The closest of these occurrences is located approximately 0.3 mile south of the project site. This occurrence (CNDDB Occurrence #585) was documented in 1986 during surveys conducted by EIP Associates. Other documented occurrences within 10 miles are summarized below in **Table 1, Summary of Documented San Joaquin Kit Fox Occurrences**. It should be noted that the available occurrence data is heavily dependent on protocol surveys that have been conducted in the project region for other projects. The data reflects discrete searches conducted throughout the past 30 years, with a lack of survey data between 2002 and the present. As such, the lack of recent observations of San Joaquin kit fox should not be interpreted to imply that the subspecies does not currently occur in the project area or that its numbers in surrounding areas have decreased.

Table 1
Summary of Documented San Joaquin Kit Fox Occurrences

	CNDDB Occurrence Number	Distance from Project Site (miles)	Direction from Project Site	Year Observed
1	585	0.3	South	1986
2	36	0.9	Southeast	1999
3	35	1.3	Southeast	1994
4	1034	1.4	Northwest	1975
5	39	1.5	Southwest	1995
6	38	1.6	South	1989
7	44	2.3	Northwest	1992
8	558	2.4	Northwest	1983
9	1035	3.3	Southwest	1975
10	557	3.3	Northwest	1983
11	568	3.6	Southeast	1975
12	559	3.8	Northwest	1983
13	34	4.1	Northwest	2000
14	41	4.2	Northwest	1992
15	42	4.3	Northwest	1998
16	60	4.3	Northwest	1991
17	561	4.9	Northwest	1987
18	973	5.2	Southeast	1975
19	556	5.5	Northwest	1987
20	43	5.6	Southwest	1989
21	1032	6.3	Northwest	1975
22	63	6.4	Northwest	1989
23	58	7.0	Northwest	2002
24	562	7.1	Southeast	1991
25	61	7.2	Northwest	1993
26	567	7.4	Southeast	1971
27	563	7.5	Southeast	1991
28	547	7.6	Southeast	1991
29	1033	7.7	Northwest	1975
30	59	8.1	Southeast	2002
31	37	8.1	Southeast	1991
32	32	8.7	Northwest	1996
33	564	9.0	Southeast	1991
34	62	9.0	Northwest	1989
35	33	9.4	Northwest	1996
36	575	9.8	Northwest	1991
37	570	10.0	Northwest	1975

Figure 1: Project Site Location

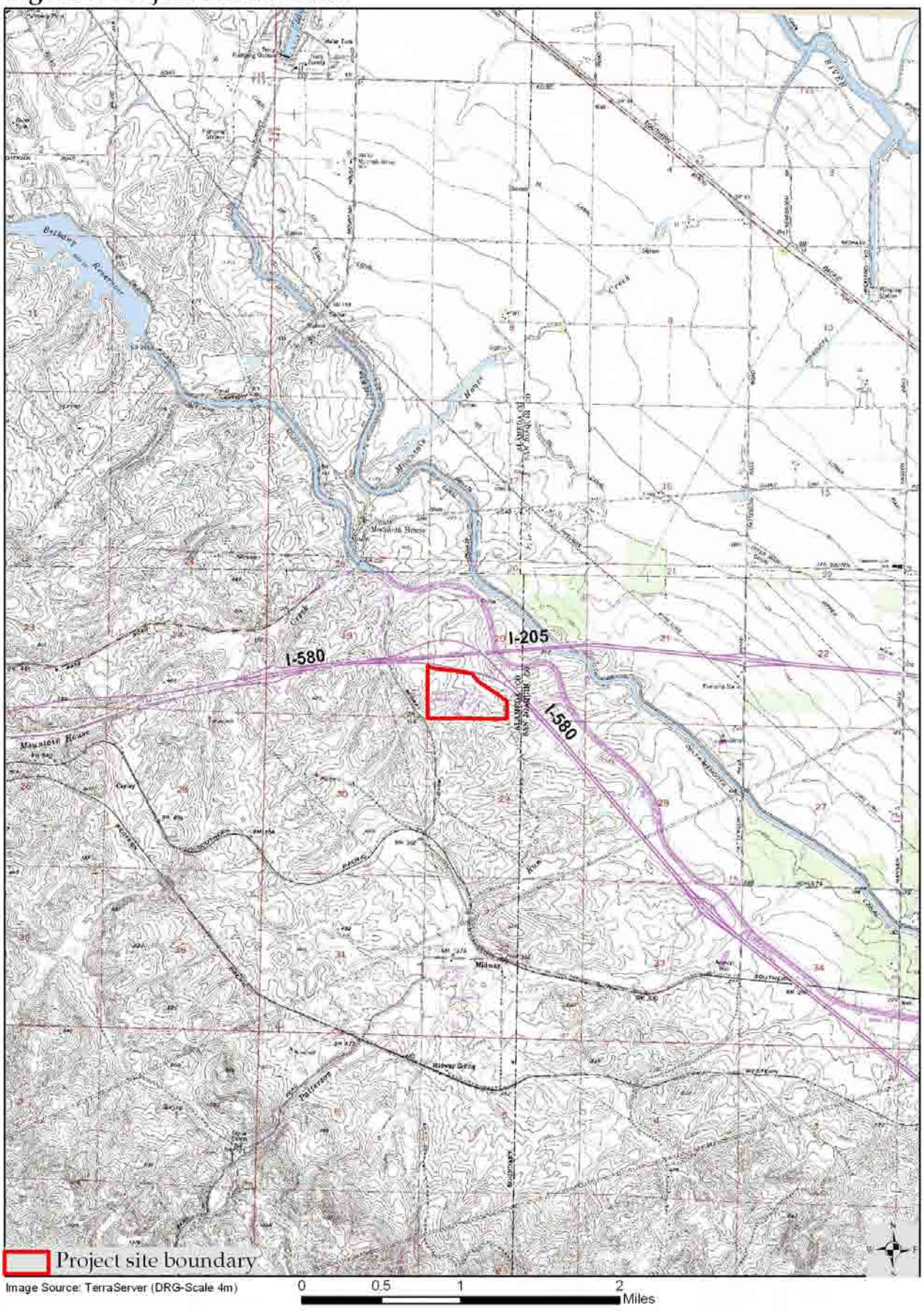
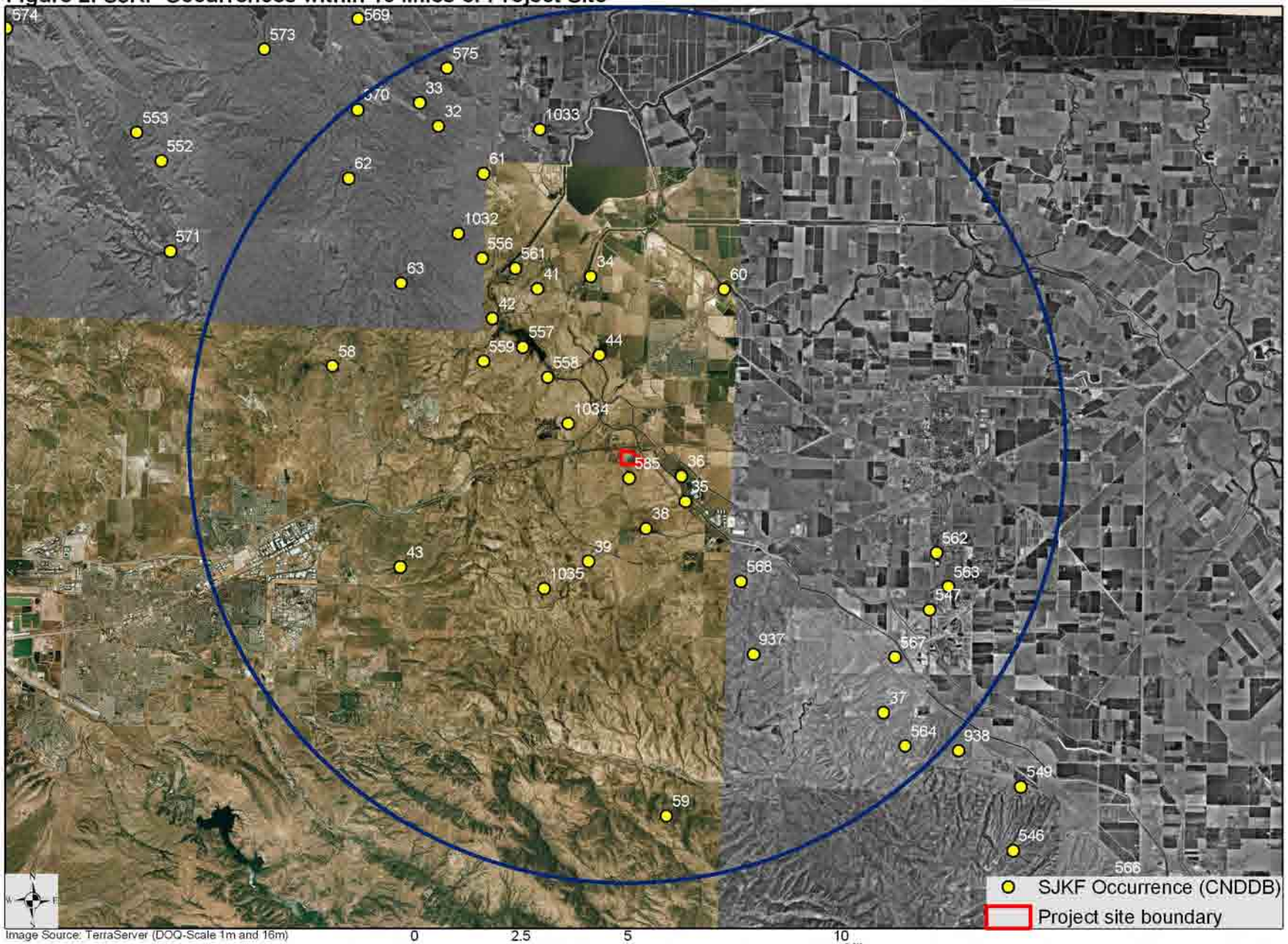


Figure 2: SJKF Occurrences within 10 Miles of Project Site



(IV) BIOLOGICAL CHARACTERISTICS OF THE PROJECT SITE

The topography of the project site is characterized by gently rolling hills and elevations vary by approximately 100 feet from the highest and lowest locations on the property. Approximately 35-acres of the 83-acre project site contain racetrack associated uses and infrastructure. The remainder of the project site is characterized by non-native, annual grasses and sparsely vegetated areas used for parking during race events. A large population of California ground squirrels (*Spermophilus beecheyi*) is present and a high-density of burrows of this small mammal occurs throughout the project site. Western burrowing owl (*Athene cunicularia*) also occurs on the site.[1] A seasonal detention pond is located in the northern portion of the project site. The characteristics of the grassland and seasonal detention pond are further discussed below and their location is shown on **Figure 3, Plant Communities and Land Uses**. Representative photographs of the project site are included in **Appendix A**.

California Annual Grassland

The project site is dominated by annual, non-native grasses. The dominant grass species present are soft chess (*Bromus hordeaceus*) and ripgut brome (*Bromus diandrus*). Shortpod mustard (*Hirschfeldia incana*) also occurs in varying densities throughout the grassland. Characteristic of disturbed habitats, the site contains low botanical diversity. The west-central portion of the project site is used as a parking area during race events and contains a high concentration of small mammal burrows; vegetation within this portion of the project site is more heavily disturbed and characterized by areas of bare dirt and sparse, low-growing annual grasses.

Seasonal Detention Pond

A seasonal detention pond (approximately 200 feet by 75 feet in size) is located in the northern portion of the project site. A small area of willow trees (*Salix* sp.) occur along the eastern edge of the pond, a single cottonwood tree (*Populus fremontii*) occurs on the western edge of the pond, and cattails (*Typha latifolia*) occur in portions of the outer edge of the pond. The pond was completely dry at the time of the field survey conducted on July 11, 2007. However, given the presence of willow, cottonwood, and cattails, it is assumed that the pond has a subsurface water source and only recently dried. The pond contains a water outflow which drains to the north into a swale (which then drains to a culvert under I-580). Based on the height of the water outflow, it is assumed that the pond reaches a maximum depth of approximately 3 to 4 feet.

(V) CONTINUITY OF PROJECT SITE WITH SURROUNDING 10-MILE AREA

As shown in **Figure 2**, the area surrounding the project site is characterized by very sparse development and large expanses of undeveloped land. Similar to the project site, the surrounding area is characterized by rolling hills vegetated with annual grasses. Also, given the presence of California ground squirrels on the project site, it is expected that this small mammal (and its associated burrows) occur in the surrounding grasslands.

The project site has a high-level of continuity with surrounding habitats given the limited extent of development and the large expanses of surrounding grasslands. Wildlife can currently move throughout the project site and without restriction to surrounding grassland habitats to the west and south. I-580, I-205, and the California Aqueduct may pose some hindrance to wildlife movement to the north and east, but given the presence of culverts under these features and

[1] A total of eight burrowing owls were observed on the project site during the field survey conducted on July 11, 2007. Adult and juvenile owls were observed, indicating that the species successfully nests on the project site. Potential project-related impacts to this special-status bird species are addressed in the Altamont Motorsports Park Biological Evaluation Report prepared by Pacific Biology on August 3, 2007.

lighter traffic levels on roadways at night (when most wildlife movement occurs), wildlife movement and habitat continuity is not expected to be substantially restricted in these directions.

(VI) HABITAT SUITABILITY OF THE PROJECT SITE

Josh Phillips, Principal Biologist of Pacific Biology, conducted a field survey on July 11, 2007. A primary objective of the field survey was to evaluate the suitability of the project site for San Joaquin kit fox. Meandering transects were walked to achieve 100 percent visual coverage of the project site and all plant and wildlife species observed were identified and recorded. A focus was given to evaluating denning potential and to searching for sign (i.e., scat, tracks) of San Joaquin kit fox.

The San Joaquin kit fox currently occurs in several plant communities in the northern portion of its range, including grasslands, scrublands, and agricultural land where uncultivated land is maintained. The subspecies uses dens for temperature regulation, shelter, reproduction, and escape from predators. Kit fox may dig their own dens but often modify and use dens constructed by other animals such as ground squirrels, badgers, and coyote. The species may also use human-made structures (e.g., culverts, abandoned pipelines) as dens. Kit fox often change dens and numerous dens may be used throughout the year. Actively used dens may not always show sign of use.

The project site contains potential den sites and suitable foraging habitat for San Joaquin kit fox. Numerous potential dens of adequate size (i.e., den entrances of 8 to 10 inches) occur on the project site, with some of these potential den sites having multiple entrances. Several of these potential dens are of the characteristic shape (i.e., higher than wide) as those often used by San Joaquin kit fox and appeared to be originally excavated by ground squirrels but enlarged by a larger mammal (photographs are included in **Appendix A**). Ground squirrels are abundant on the site, which provide a suitable prey base for San Joaquin kit fox. Several small mammal spines were observed near the entrance to a burrow, indicating that a predator was likely inhabiting the burrow.[2]

(VII) PROJECT-RELATED ADVERSE AFFECTS TO SAN JOAQUIN KIT FOX

Given the documented occurrence of San Joaquin kit fox near the project site, the presence of grassland habitat, apparently suitable den sites, and an abundant prey base, San Joaquin kit fox has a high potential to occur on the project site. Should San Joaquin kit fox be present, in the absence of avoidance measures, the placement of mobile homes and the installation of signage could result in the loss of an occupied den and associated animals. Construction-related noise associated with these activities could also result in the abandonment of an active den should one occur near but outside of the project disturbance boundary. Additionally, these project features would result in the loss of some kit fox foraging habitat. The location of the proposed mobile homes and signage, as well as the associated acreage of habitat loss, has not yet been determined. However, given the relatively small size of the proposed features, the associated loss of habitat is not expected to be substantial.

[2] The small mammal spines were observed by Impact Sciences' Project Biologist Meighan Jackson on September 11, 2007.

(VIII) RECOMMENDED MITIGATION

The following measures would be implemented to avoid the loss or harassment of San Joaquin kit during project implementation and to compensate for the project-related loss of habitat.

1. A Service approved biologist will be retained to conduct preconstruction surveys no later than 14 days and no more than 30 days before the beginning of ground disturbance or any activity likely to impact the San Joaquin kit fox. The biologist will survey the proposed project boundary and a 200-foot area outside of the project footprint to identify habitat features. The biologist will conduct den searches by systematically walking 10-meter-wide transects through the survey area. If a den is found during the survey, the biologist will measure the size; evaluate the shape of the den entrances; and note scat, prey remains, and recent excavations at the den site. The biologist will also determine the status of the dens and map the features according to survey protocol. Dens will be classified as one of the four status categories as defined in the Standardized *Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2001). Written results of the survey must be received by the Service within five days after the completion and before the beginning of ground disturbance and/or construction activities likely to impact San Joaquin kit fox.

2. After preconstruction den searches and before the commencement of construction activities, a qualified biologist will be retained to establish the following exclusion zones measured in a radius outward from the entrance or cluster of entrances of each den:

   (A) Potential and atypical dens: Four to five flagged stakes will be placed 50 feet from the den entrance(s) to identify the den location.

   (B) Known den: Orange construction barrier fencing will be installed at a distance of 100 feet around the den in a manner that does not prevent kit foxes from accessing the den. The fencing will be maintained until all construction-related disturbances have been terminated. At that time, all fencing will be removed to avoid attracting subsequent attention to the den.

   (C) Natal/pupping den: The Service must be contacted immediately if a natal or pupping den is discovered within the project area or within 200 feet of the project boundary.

3. Construction and other project activities will be prohibited or restricted from exclusions zones. Only essential vehicular operation on existing roads and foot traffic will be permitted. If potential or atypical dens cannot be avoided, they can be removed by careful hand excavation by qualified biologists after they have been monitored for 3 days with tracking medium or remote sensor camera and determined to be vacant.

4. The applicant shall contribute towards the preservation of San Joaquin kit fox through paying money into the San Joaquin Kit Fox Conservation Fund or the purchase of credits at an USFWS-approved mitigation bank. The amount of compensation will be dependent of the project-related loss of kit fox habitat, but not to exceed a 3:1 ratio.

5. To the extent possible, nighttime construction shall be avoided.

6. Project-related vehicles shall observe a 20-mph speed limit in all project areas, except on county roads and State and Federal highways.

7. Off-road traffic outside of designated project areas shall be prohibited.

8. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep

should be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under number 16 of this section must be followed.

9. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved to remove it from the path of construction activity, until the fox has escaped.

10. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in closed containers and removed at least once a week from a construction or project site.

11. No firearms shall be allowed on the project site.

12. To prevent harassment, mortality of kit foxes or destruction of dens by dogs or cats, no pets should be permitted on the project site.

13. Use of rodenticides and herbicides on the project site should be restricted. If rodent control must be conducted, zinc phosphide should be used because of proven lower risk to kit fox.

14. A representative shall be appointed by the project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped individual. The representative will be identified during the employee education program (see below). The representative's name and telephone number shall be provided to the Service.

15. An employee education program should be conducted to address the potential presence of kit fox and other rare species potentially occurring on the project site. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors and their employees. The program should include the following: a description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information should be prepared for distribution to the above-mentioned people and anyone else who may enter the project site.

16. Any contractor, employee, or agency personnel who inadvertently kills or injures a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured or entrapped kit fox. The CDFG contact for immediate assistance is State Dispatch at (916) 445-0045. They will contact the local warden or biologist.

17. The Sacramento Fish and Wildlife Office and CDFG will be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information. The Service contact is the Chief of the Division of Endangered Species, at the addresses and telephone numbers given below. The CDFG contact is Mr. Ron Schlorff at 1416 9th Street, Sacramento, California 95814, (916) 654-4262.

Figure 3: Plant Communities and Land Uses

(IX) CUMULATIVE IMPACTS

Cumulative impacts include the cumulative or incremental environmental effect of the action together with impacts from past, present, and reasonably foreseeable future actions. The proposed project would provide for the continued use of the project site as a racetrack and would not increase the capacity of the facility. Therefore, the proposed project is not expected to substantially increase the extent of human activity on the project site or in surrounding areas. The proposed project would result in the loss of a small area of kit fox habitat. As previously discussed and shown in Figure 2, large expanses of similar habitat with a high degree of continuity occur in the surrounding project region. Nonetheless, the project proponent would contribute funds towards the conservation of kit fox habitat in the project region. Given the above and the implementation of the recommended mitigation measures, the project's contribution towards the regional loss of kit fox habitat and other potential adverse affects to the subspecies is not considered to be substantial.

REFERENCES

California Department of Fish and Game, California Natural Diversity Data Base. 2006. Records of Occurrence for Miday, Byron Hot Springs, Clifton Court Forebay, Union Island, Tracy, Lone Tree Creek, Ceder Mountain, Mendenhall Springs, and Altamont U.S. Geological Survey (USGS) 7.5-minute quadrangle maps

USFWS. June 1999. San Joaquin Kit fox Survey Protocol for the Northern Range.

APPENDIX A – SITE PHOTOGRAPHS

Photo 1: Annual grassland; east view

Photo 2: Annual grassland parking area, pond in background; view northeast

Photo 3: Small mammal burrow; higher than wide (typical kit fox den shape)

Photo 4: Small mammal spines

Photo 5: Seasonal Pond; east view

Photo 6: Seasonal Pond; west view