



September 25, 2020

Governor's Office of Planning & Research

Sep 28 2020**STATE CLEARINGHOUSE**

Mr. David Cook
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403
David.Cook@scwa.ca.gov

Subject: Vortex Tube Rehabilitation Project, Mitigated Negative Declaration,
SCH No. 2020080522, Sonoma County

Dear Mr. Cook:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the Mitigated Negative Declaration (MND) for the Vortex Tube Rehabilitation Project (Project). CDFW is submitting comments on the draft MND to inform Sonoma County Water Agency, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is submitting comments as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386, and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

ENVIRONMENTAL SETTING

The Project is located along Santa Rosa Creek at Montgomery Drive, in the City of Santa Rosa, Sonoma County. The Project would occur within the Santa Rosa Creek Diversion Structure, and within the natural creek channel immediately upstream and downstream on both sides of Montgomery Drive. The Project area is comprised of riparian forest, emergent wetland, and open channel habitat. The City of Santa Rosa lies approximately 4 miles to the west and Spring Lake Regional Park lies approximately ¾ mile to the west.

PROJECT DESCRIPTION

The proposed Project includes repair of the Vortex Tube, part of an existing concrete flood control diversion structure along Santa Rosa Creek, which has been compromised due to continued surface erosion. The Project will occur in two phases. The first phase consists of constructing a permanent bypass pipe to temporarily direct creek flows around the Vortex Tube. The second phase consists of repairing the damaged Vortex Tube. The Project would repair the existing structure and not change the function or

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expand the capacity. The bypass pipe would remain active until the second phase of the Project is complete. The bypass pipe will be a permanent structure, which can be used for future maintenance events.

COMMENTS AND RECOMMENDATIONS

California Red-Legged Frog

The MND indicates that there is a low potential for California red-legged frog (CRLF, *Rana draytonii*) to occur in the Project area. CRLF is a federally listed as threatened species and California Species of Special Concern. According to the California Natural Diversity Database (CNDDDB), CRLF is recorded approximately 3.2 miles southwest of the Project area (occurrence number 1575) and CDFW has received an unprocessed 2019 CNDDDB record of the species approximately 3.8 miles to the south near the southern perimeter of Annadel State Park. Additionally, the MND indicates there is a CNDDDB record of the species approximately 4 miles from the Project area. Based on these records and the species range and habitat requirements, CDFW concludes that CRLF occupy the watershed and the Project area may be suitable dispersal habitat. Frogs may use riparian habitat for resting and feeding, and the species can be encountered at distances exceeding 2 miles from a breeding site (U.S. Fish and Wildlife Service (USFWS) 2002). CDFW recommends that the MND require consulting with USFWS to determine if take authorization pursuant to the federal Endangered Species Act is warranted and complying with any related take authorization, and addressing the species in the Relocation Plan described above.

Mitigation Measure BIO-2: Special-Status Aquatic Species Relocation

Mitigation Measure BIO-2 describes relocation of special-status aquatic species out of construction areas. Relocating these species could result in inadvertent adverse impacts, such as inappropriate handling methods causing injury to individual animals. CDFW recommends that the MND require preparation of a Special-Status Species Relocation to be reviewed and accepted in writing by CDFW. The Relocation Plan should at a minimum include:

- qualifications of individuals conducting relocation activities, including documented experience with successful relocations for the relevant species and all required authorizations,
- life stages of the species that would be relocated, and life stages at which relocation may not be feasible, for example, for eggs and associated avoidance measures,
- survey methods for identifying special-status species in the project area,
- capture and relocation methods including following the Restraint and Handling of Live Amphibians Standard Operation Procedures, prepared by USGS, dated February 16, 2001,

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- identification and description of the relocation area,
- description of potential impacts from the proposed electrofishing to non-fish species, and methods for minimizing such impacts,
- monitoring of relocated animals, and
- method for ensuring relocated animals do not return to the Project area.

Mitigation Measure BIO-5: Avoid, Minimize, or Compensate for Impacts

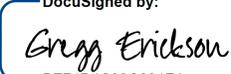
Mitigation Measure BIO-5 states that CDFW “may require a Streambed Alteration Agreement (SAA) under Section 1602 of the California Fish and Game Code.” While CDFW has received an LSA Notification for the Project, CDFW recommends that the MND require the notification and compliance with the LSA Agreement upon issuance.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CDFW appreciates the opportunity to provide comments on the MND for the proposed Project and is available to meet with you to further discuss our concerns. Additionally, CDFW is available to work with the project applicant in order to complete their LSA Notification. If you have any questions, please contact Mr. James Hansen, Environmental Scientist, at james.hansen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4693C604EA
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2020080522

REFERENCES

U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii + 173 pp. Accessed online at: https://ecos.fws.gov/docs/recovery_plans/2002/020528.pdf