



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

September 30, 2020

Oct 01 2020

STATE CLEARINGHOUSE

Mr. Kyle Broughton
Vallejo Flood and Wastewater District
450 Ryder Street
Vallejo, CA 94590
kbroughton@vallejowastewater.org

Subject: Vallejo Mare Island Pump Station 3W Effluent Bypass Project, Mitigated Negative Declaration, SCH No. 2020090060, City of Vallejo, Solano County

Dear Mr. Broughton:

California Department of Fish and Wildlife (CDFW) personnel reviewed the Mitigated Negative Declaration (MND) for the Vallejo Mare Island Pump Station 3W Effluent Bypass Project (Project). CDFW is submitting comments on the MND to inform Vallejo Flood and Wastewater District, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing 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.

ENVIRONMENTAL SETTING

The Project will occur at Vallejo Flood and Wastewater District's Wastewater Treatment Plant (WWTP), located on approximately 22 acres directly adjacent to the Mare Island Strait, at 450 Ryder Street, City of Vallejo, Solano County. The Project site is approximately 1.7 miles downstream from the Mare Island Causeway and approximately 1.5 miles upstream from San Pablo Bay and the Carquinez Strait. The Project site is highly developed with various facilities, pavement, and some landscaped vegetation. Two unnamed drainage channels are located along the northeast and northwest boundaries of the Project site and drain into the Mare Island Strait. Surrounding land use consists of industrial and mixed residential.

PROJECT DESCRIPTION

The Project will rehabilitate and replace critical aging wastewater treatment infrastructure to support the WWTP's ability to treat wastewater to a high quality prior to discharge in the San Francisco Bay. The Project will result in the construction of several new facilities and demolish existing facilities. Staging areas will be located on developed fill areas adjacent to the Mare Island Strait, to the west and northwest of the construction and demolition areas. All stockpile areas will be located a minimum of 100 feet away from Mare Island Strait and other drainages adjacent to the Project area. Project construction is anticipated to begin in March 2023 and last approximately three years.

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COMMENTS AND CONCERNS

Migratory Birds and Raptors

The Project area and surrounding areas may provide nesting habitat for migratory birds and raptors. Demolition of existing structures, ground disturbance, and vegetation removal during the nesting season could disrupt nesting and even lead to nest abandonment and species mortality. The Project activities may result in potentially significant impacts without implementation of appropriate mitigation measures. BIO-3 and BIO-4 of the MND require that nesting bird and raptor surveys be completed prior to conducting Project activities during the nesting season, and nest avoidance if active nests are discovered, respectively. CDFW agrees that these measures are important but is concerned about the phrasing of the measures, and recommends the following revisions to Mitigation Measure BIO-3 (amended language shown in bold italics, deleted language shown in strikethrough):

*If clearing and/or construction activities ~~would~~ occur during the migratory bird nesting season (**February 1**~~March 1~~ to August 31), then **a qualified biologist shall conduct pre-construction surveys within** ~~preconstruction surveys to identify active migratory bird and/or raptor nests or burrowing owl burrows would be conducted by a qualified biologist at least 7 days prior to~~ construction initiation **each year Project activities are to occur. Surveys shall cover** ~~Focused surveys must be performed by a qualified biologist for the purposes of determining the presence or absence of active nest sites within~~ the proposed impact area, including construction access routes and staging areas, **and within 500 feet of all Project areas.** ~~along with a 100-foot buffer, where feasible. If a lapse of Project activities of 7 days or greater occurs for any reason during the nesting season, a qualified biologist shall preform another survey for nesting birds and raptors prior to resuming Project activities.~~*

CDFW also recommends the following revisions to Mitigation Measure BIO-4 (amended language shown in bold italics, deleted language shown in strikethrough):

*If active nest sites are identified **during** ~~in the surveys areas~~, a **qualified biologist shall establish** no-disturbance buffers ~~should be established~~ for all active nest sites prior to commencement of any Project-related activities to avoid disturbances to migratory bird **and raptor** nesting activities. A no-disturbance buffer constitutes a zone in which Project-related activities (that is, vegetation removal, earth moving, and construction) cannot occur. ~~The size of no-disturbance buffers would be determined by a qualified biologist based on the species, activities proposed in the vicinity of the nest, and topographic and other visual barriers.~~ A qualified biologist **shall** ~~would~~ monitor **all active the nests during construction activities each day** until the nest is deemed inactive **by the qualified biologist. If suitable no-disturbance buffers cannot be established for any reason, then Project activities within the area of the active nest shall be delayed until the nest is no longer active, as determined by a***

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~~**qualified biologist.** *The amount and duration of the monitoring would be determined by the qualified biologist and would depend on the same factors mentioned above when determining the size of the no-disturbance buffer. Implementation of the aforementioned mitigation measures would minimize impacts on migratory birds and raptors through minimization, education, monitoring, and avoidance. As shown, implementation of the aforementioned mitigation measures would reduce impacts on these species from potentially significant to a less than significant level.*~~

Osprey (Pandion haliaetus)

Osprey have become increasingly prevalent around the San Francisco Bay Area, including Mare Island. Osprey begin breeding around late February and osprey young fledge (i.e. leave the nest and catch food independently) typically in late July. Osprey have been observed nesting on top of snags, treetops, and man-made structures, such as, light poles, utility poles, barge cranes, and pilings. Additionally, osprey have high nest site fidelity (i.e. they return to the same nesting sites each year). This can cause human-wildlife conflict particularly in areas where osprey nesting affects business operations. Because multiple observations of nesting osprey have been made near the Project site in recent years, a qualified biologist shall conduct nest surveys to identify the location and status (i.e. active or inactive) of all nests within the Project area. If osprey are found nesting within the Project area, particularly on any buildings/structures that will be removed, those buildings/structures should be removed outside of the nesting season (August 1 – January 31) to avoid take, or when a qualified biologist has determined that a nest is no longer active or osprey young have fledged.

Roosting Bats

The Project site could support roosting bats either on the exterior or interior of existing structures. The Project will demolish some existing old structures on site and thus has the potential to result in take of bats if appropriate avoidance and minimization measures are not implemented. CDFW agrees with implementation of Mitigation Measure BIO-5, but is concerned about specific language contained within. No attempt to actively relocate roosting bats shall be undertaken. Additionally, if the Project must remove bat roosting structures, it should be done during seasonal periods of bat activity, to avoid maternity colonies and winter torpor bats. CDFW recommends the following revisions to Mitigation Measure BIO-5 to prevent incidental take of roosting bats during Project activities (amended language shown in bold italics, deleted language shown in strikethrough):

At least 30 days p~~*Prior to demolition of existing structures, an*~~ ***qualified agency-approved biologist shall***~~*would*~~ ***conduct a daytime and nighttime site reconnaissance of the structure(s). The biologist shall*** ~~*would*~~ ***look for special-status bats and bat sign including existing roost sites and bat guano deposits, and will listen for roosting bats. If potential roost sites are identified, a Project-specific avoidance and minimization plan shall be prepared by a qualified biologist to be reviewed and approved by***

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CDFW prior to the start of Project activities. Demolition of existing structures containing roosting bats or evidence thereof shall only occur during seasonal periods of bat activity (i.e. prior to maternity season from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats can fly and feed on their own) until October 15 (before night temperatures fall below 45°F and rains begin). ~~an exit nighttime survey will be conducted to determine the species of roosting bats and relative bat activity, and to estimate the number of individual bats. This nighttime survey may be an active or passive acoustic monitoring survey. If special-status bat individuals or roosts are found within or directly adjacent to the Project area, the area would be left unaffected until the individual(s) have left the area or a relocation decision has been made in consultation with CDFW. If the daytime surveys does not identify the presence of potential bat roosts, no further mitigation is required. Impacts on special-status bats would be minimized to a less than significant level through the implementation of mitigation measures MM-BIO-1, MM-BIO-2, and MM-BIO-5. As shown, implementation of the aforementioned mitigation measures would reduce impacts on these species from a potentially significant to a less than significant level.~~

Please note that Fish and Game Code section 4150 prohibits take of all bats, regardless of their conservation status.

CEQA FILING FEE

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. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at garrett.allen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse