



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



November 6, 2020

Governor's Office of Planning & Research

Nov 10 2020

STATE CLEARINGHOUSE

Ms. Lina Velasco
City of Richmond
Community Development Department
450 Civic Center Plaza
Richmond, CA 94804
Lina_Velasco@ci.richmond.ca.us

Subject: Point Molate Beach Park Shoreline Restoration Project, Initial Study/
Mitigated Negative Declaration, SCH No. 2020109006, City of Richmond,
Contra Costa County

Dear Ms. Velasco:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/
Mitigated Negative Declaration (IS/MND) for the Point Molate Beach Park Shoreline
Restoration Project (Project) pursuant to the California Environmental Quality Act
(CEQA) and CEQA Guidelines. In accordance with our mandates, CDFW is submitting
comments on the IS/MND as a means to inform the City of Richmond (City), as the
Lead Agency, of our concerns regarding potentially significant impacts to sensitive
resources associated with the proposed Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, §
21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on Projects
that could impact fish, plant, and wildlife resources. CDFW is also considered a
Responsible Agency if a Project would require discretionary approval, such as a
California Endangered Species Act (CESA) Incidental take Permit (ITP), and/or other
provisions of the Fish and Game Code that afford protection to the state's fish and
wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

CESA prohibits unauthorized take of candidate, threatened, and endangered species.
Therefore, if take¹ of any species listed under CESA cannot be avoided either during
Project activities or over the life of the Project, a CESA ITP is warranted (pursuant to

¹ Fish and Game Code §86: "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue,
catch, capture, or kill.

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Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

Lake and Streambed Alteration

CDFW requires a Lake and Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 *et seq.*, for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Migratory Birds and Raptors

CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511).

PROJECT DESCRIPTION SUMMARY

Proponent: City of Richmond

Objective: 300 feet of rock revetment armoring along the shoreline of Point Molate Beach Park and the replacement of a damaged culvert therein. Additionally, 80 feet of the San Francisco Bay Trail (Bay Trail) will be constructed.

Location: The Project site is located west of, and adjacent to, Stenmark Drive; and is bounded on the north by existing rock revetment near Stenmark Drive (37.944129, -122.412439), to the west by the waters of San Pablo Bay, to the south by a selected point of back shore on Point Molate Beach Park (37.943420, -122.411672), and to the east by Stenmark Drive; City of Richmond, Contra Costa County.

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Timeframe: Anticipated to take approximately 11 months over a 2-year time frame ending in 2021.

Description: Approximately 300 feet of rock revetment will be installed onto the sandy shoreline of Point Molate Beach Park to slow coastal bluff erosion. A failed 30-foot long, 12-inch diameter iron stormwater pipe, the point source of the bluff's erosion exacerbated by tidal action, will be removed and replaced with a 60-foot long, 15-inch diameter reinforced concrete culvert in place thereof. In conjunction with the Project activities, an 80-foot section of the trail would be constructed and completed.

COMMENTS AND RECOMMENDATIONS

Comment 1: Project design and justification not in accordance with San Francisco Bay Trail Plan

The purpose of the Project is to restore an eroding coastal bluff, replace a damaged stormwater iron pipe, and maintain the existing proposed alignment for the Bay Trail. Under the Association of Bay Area Governments' San Francisco Bay Trail Plan, the trail's alignment was mandated to "Provide that designated environmentally sensitive areas, including wildlife habitats and wetlands, shall not be adversely affected by the trail (Association of Bay Area Governments, 1989)." In contrast, the design of the Project directly impacts sensitive habitats that could feasibly be avoided.

The currently proposed Bay Trail alignment requires the use of rock revetment that would result in the permanent conversion of approximately 300 feet of riverine and estuarine/marine wetland to armored shoreline. In turn, this would significantly impact approximately 1,700 feet of extant shoreline of Point Molate Beach Park. The armoring of shorelines adversely affects available habitat for migrating shorebirds, negatively impacts shore biota and processes such as nutrient cycling and reduces prey opportunities for resident raptors (Dugan et al., 2010). Thus, the design of the Project would not be avoiding adverse effects to the wildlife habitats and wetlands adjacent to the proposed alignment of the trail, as required under the San Francisco Bay Trail Plan.

To reduce this significant adverse impact to a level of less-than-significant, CDFW recommends adjusting the proposed Bay Trail alignment into the adjacent undeveloped and underutilized area and away from the eroding coastline. This is reasonable and feasible action that can be taken to avoid this significant impact and would also provide a benefit to the Project by protecting the new reinforced concrete culvert and Bay Trail from future tidal erosion in an ecologically sensitive manner.

Comment 2: Revisions needed to Section 4.4 Biological Resources subsection c

The IS/MND indicates in Section 4.4 (Biological Resources) that the Project will have no impact on wetlands. However, the Project footprint is located within riverine and

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estuarine/marine wetlands. These sensitive wetland types are both readily seen in publicly available satellite imagery and delineated on the U.S. Fish and Wildlife Service's National Wetlands Inventory (available online at: <https://www.fws.gov/wetlands>). The Project acknowledges this through the selection of Alternative A as designed on page 199, Exhibit 3, in the IS/MND where the use of rock revetment would be placed beyond baseline conditions of the existing sandy shoreline within the riverine and estuarine/marine wetlands zoned areas.

Comment 3: Revisions needed to Section 4.4 Biological Resources subsection d

The IS/MND indicates in Section 4.4 (Biological Resources) that the Project will have less-than-significant impacts on native resident or migratory fish or wildlife species. However, the proposed mitigation does not offset the impact of permanent loss of wetland habitats to a less-than-significant level.

To address this issue, CDFW recommends either redesigning the Project's design plans in accordance with Comment 1 above or revising and recirculating the IS/MND to include a compensatory mitigation measure to offset permanent loss of the same wetland type(s). CDFW is available for consultation with the Lead Agency and Project proponents to identify compensatory mitigation options.

Comment 4: CDFW recommends additional mitigation measures for Project construction be included in the IS/MND

CDFW recommends the following avoidance and minimization measures to be included in the IS/MND:

“Open Pipes Restriction: All staged pipes, culverts, or similar structures that are stored at the site for one or more overnight periods shall be thoroughly inspected for wildlife by the qualified biologist or biological monitor prior to use at the Project site. All hollow pipes or posts staged for installation as part of the Project and exposed to the environment in a vertical or semi-vertical orientation shall be capped, screened, or filled with material by the Project proponent prior to the end of each workday.

Fence and Sign Post Restriction: Any fencing posts or signs installed, temporarily or permanently, throughout the course of the Project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey.

Open Trenches: Any open trenches, pits, or holes with a depth larger than one-foot shall be covered at the conclusion of work each day with a hard, non-heat conductive material (i.e. plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife shall be used to cover open trenches. If use of a hard cover is not feasible, multiple wildlife escape ramps shall be installed, constructed of wood or installed as an

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earthen slope in each trench, hole or pit that is capable of allowing large (i.e. deer) and small (i.e. snakes) wildlife from escaping on their own accord. Prior to the initiation of construction each day and prior to the covering of the trench at the conclusion of work each day, a qualified biologist or biological monitors shall inspect the open trench, pit, or hole for wildlife. If wildlife is discovered, it shall be allowed to leave on its own accord.

Culverts Shall be Kept Open: Permanent culverts shall be maintained and kept open year-round. The Project proponent is responsible for such maintenance as long as the culvert remains in the stream. Substantial changes to the bed, channel or bank necessary for maintenance may require separate notification under Fish and Game Code section 1602(a)."

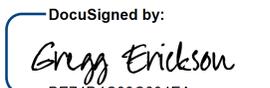
ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Mr. Andrew Chambers, Environmental Scientist, at (707) 428-2002 or Andrew.Chambers@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,

DocuSigned by:

BE74D4C93C604EA
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH No. 2020080263)

Gail Ervin, Consulting Principal, NCE gervin@ncenet.com

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LITERATURE CITED

Association of Bay Area Governments. (1989). *Bay Trail Plan Summary*. Retrieved from https://baytrail.org/wp-content/uploads/2015/12/San-Francisco-Bay-Trail_-Bay-Trail-Plan-Summary.pdf.

Dugan, J. E., & Hubbard, D. M. (2010). *Ecological effects of coastal armoring: a summary of recent results for exposed sandy beaches in southern California*. In *Puget Sound Shorelines and the Impacts of Armoring—Proceedings of a State of the Science Workshop*. Reston, Va.: US Geological Survey Scientific Investigations Report (Vol. 5254, p. 278).