

California Department of Transportation

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Governor's Office of Planning & Research

July 02 2021

STATE CLEARINGHOUSE

Mr. Ian Boyd
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Rd., Suite A
Rancho Cordova, CA 95670

Dear Mr. Boyd:

Thank you for providing comments on the Gianella-Muir Safety Project Initial Study/Proposed Mitigated Negative Declaration SCH NO. 2021040476.

Response to Comment 1: The California Department of Fish and Wildlife (CDFW) commented that the California Department of Transportation (Caltrans) has only considered impacts to yellow-billed cuckoo (YBCU) and cliff swallows, and not other bird species that occur in the Sacramento River corridor. CDFW recommended that Caltrans consider Fish and Game codes 3503, 3503.5, and 3515, which provide protection to nongame birds, migratory birds, birds of prey, their nests, and eggs. It was also recommended that appropriate avoidance, minimization, and/or mitigation measures should be included to avoid take. CDFW also commented that the Caltrans' 2018 Standard Specifications, Section 14-6.03B should not be solely relied upon, and that the paragraph included in the original comment letter should be incorporated into the environmental document.

Caltrans has considered the potential impacts to other bird species in addition to cliff swallows and YBCU. To ensure that the project will not have an impact on nongame birds, migratory birds, birds of prey, their nests, and eggs, the following statement has been included under 2.6 Biological Resources, Discussion of Environmental Evaluation Questions 2.6 – Biological Resources, Swallows and Migratory Birds:

- If the contractor's removal of vegetation occurs between February 1st and September 30 (nesting season) then a qualified biologist shall perform a pre-construction nesting bird survey. If active nests are found, project related work interfering with active migratory bird nests will not occur until Caltrans performs consultation with CDFW regarding appropriate action to comply with provisions of the Fish and Game Code of California, and the Migratory Bird Treaty Act. If a lapse in project related work lasts 14 days or longer occurs,

another survey and, if required, consultation with CDFW will be required before the work can be reinitiated.

Response to Comment 2: CDFW commented that YBCU is also a state listed endangered species in addition to being a federally listed endangered species. It was also noted that the MND, section 2.6 Biological Resources, only the US Fish and Wildlife Service (USFWS) is listed as an agency that will be notified in the event of YBCU being detected in the construction zone. CDFW needs to be notified in addition to USFWS if YBCU is found within the construction zone and Caltrans would need to consult with a designated biologist with YBCU to develop a non-disturbance buffer, and if necessary, comply with CESA. CDFW has been added as an agency to be notified in the event of YBCU detection in the construction zone.

Response to Comment 3: In comment 3, CDFW noted that while Caltrans acknowledges that bats are present at the Pine Creek Lagoon Bridge, there was no specific reasoning in the MND as to why the project will not impact the bats present at this location. CDFW recommends that the MND include avoidance and minimization measures for bats and include a habitat assessment performed by a qualified biologist. If temporary exclusionary devices are determined to be necessary by the bat biologist, they should be implemented prior to the project impacts and disturbance occurring during the period of March 1 to April 15 or August 31 to October 15.

The guardrail posts and end treatments at the Pine Creek Lagoon Bridge approaches will be upgraded to current standards. The work at this location will only occur on the top of the bridge and will not affect the bats utilizing the bridge below the deck or in the joints. The work consists of removing and replacing posts held by bolts on both sides of the bridge. The noise level from the hand power tools would be intermittent and comparable, if not less than that of the traffic. No pavement grinding or overlay will occur on the bridge. As part of the habitat assessment for bats, acoustic monitoring was performed by a qualified biologist to determine what types of bats occupy the roost. To reduce any potential for project related work interfering with the bats, Caltrans will implement the following measure:

- A qualified biologist shall perform a pre-construction roosting bat survey to confirm the bat day roost. If bat day-roosts are found, Bats shall be allowed to occupy day roost on portions of the bridge as conflicts with construction are not anticipated. To reduce any potential of project related work interfering with bat day-roosts, the work window for construction activities at the bridges is proposed to occur between September 1 and May 1.

Response to Comment 4: CDFW noted that while Caltrans is planning on extending existing box culverts and corrugated metal pipes (CMP) and replacing existing 18-inch CMP culverts with new 24-inch culverts if shoulder widening results in culvert lengths greater than 100 feet in length, there are no permits or authorizations required from CDFW. It was also noted that while in water work will not occur at the three primary drainages; Pine Creek, Rock Creek, and Mud Creek, notification to CDFW is required, pursuant to Fish and Game Code section 1602 if a project proposes activities that will substantially divert or obstruct the natural flow of water; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

A Jurisdictional Aquatic Resource Delineation was performed in May 2020 for this project. The culverts that will be extended in length or increased in diameter as a part of this project are not within the jurisdiction of CDFW. These culverts do not have a defined bed, bank, or channel and are in place to convey roadside drainage and stormwater. There will be no work occurring around the three primary drainages; Pine Creek, Rock Creek, and Mud Creek, that will substantially divert or obstruct the natural flow of water; change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Guardrail will be replaced on the Pine Creek Lagoon Bridge and all construction activities and access will be conducted from the bridge deck. There will be no pavement grinding or releasing of materials into Pine Creek. Best management practices and standard measures will prevent impacts to Pine Creek. Because of these restricted construction activities notification to CDFW pursuant to Fish and Game Code section 1602 is not required by Caltrans for this work.

The project also proposes to remove 0.75 acre of riparian habitat on the west bank of Pine Creek. CDFW commented that the removal of this riparian habitat would cause a substantial change in the bed, bank, or channel of Pine Creek. CDFW recommends Caltrans to consider any grading, excavation, trenching, paving, and/or railing replacements on or adjacent to the existing bridges be included in a Lake and Streambed Alteration Notification due to the potential for material associated with those activities potentially passing into waters of the state.

The 0.75 acres of riparian habitat that will be removed as part of this project is adjacent to, but not within, the bed, bank, or channel of Pine Creek. The riparian area is parallel to the road and does not provide direct benefit to the Pine Creek riparian corridor. The removal of the riparian habitat will not require a Lake and Streambed Alteration Notification. Best management practices will be implemented

to ensure no debris falls into the creek while removing and replacing the bridge posts. A map of the impacts to riparian vegetation will be added to the Final Mitigated Negative Declaration for clarity.

CDFW also commented that the locations of the proposed culvert replacement and the purpose of the riparian vegetation removal were not clearly identified in the MND and that the project activities need to be more clearly described. In addition, the MND should include detailed exhibits disclosing the project area including permanent impact areas, as well as temporary impacted areas such as equipment staging areas, spoils areas, adjacent infrastructure development, staging areas, and access haul roads.

Culverts that will be extended, lined, or replaced during construction are now labeled in the project exhibits. These updated exhibits will be included in the final MND in appendix B. The riparian habitat to be removed is now shown in Figure 2, under Discussion of Environmental Evaluation Question 2.6—Biological Resources. Removal of the riparian habitat is necessary to accommodate the road widening for the eight-foot shoulders.

The Water Quality-1 (WQ-1) measure from Section 1.5 Standard Measures and Best Management Practices Included in All Alternatives, Water Quality and Stormwater Runoff was also commented on by CDFW. Specifically, CDFW asked for clarity on the following points of the standard measure:

- Water would be removed by means of dewatering the individual pipe piles or cofferdams.
- Water generated from the dewatering operations would be trucked off-site to an appropriate facility or treated and used on-site for dust control and/or discharged to an infiltration basin or used to irrigate agricultural lands.

CDFW recommended that the location and reason for the occurrence of these activities be clarified in the MND. If these activities take place within a stream, river, or lake, they would be subject to Fish and Game Code 1602 and would require notification.

The WQ-1 measure found in Section 1.5 Standard Measures and Best Management Practices Included in All Alternatives, Water Quality and Stormwater Runoff is a standard measure with standard language. In water work will not occur in any streams, rivers, or lakes as a part of this project. The bullet points related to WQ-1 measure in the MND have been revised as follows:

- During construction operations and under certain conditions, if groundwater is encountered, a land discharge permit may be required which contains

conditions and specifies how clean/neutralized water can be discharged within the State's right of way.

Response to Comment 5: CDFW commented that the 0.75 acre riparian habitat that is being permanently impacted is only mitigated in association with the valley elderberry longhorn beetle (VELB). CDFW recommends Caltrans develop avoidance, minimization, and mitigation measures for all permanent and temporary impacts to riparian habitat to reduce Project impacts to a less-than-significant level.

Please note that the riparian habitat removed is outside of the bed, bank, or channel or Pine Creek. As part of an avoidance measure, high visibility fencing will be installed to prevent the contractor from accidental encroachment into the riparian area adjacent to channel of Pine Creek.

If you have further questions or need additional information, please contact Caltrans biologist Michele Lukkarila at Michele.Lukkarila@dot.ca.gov or at (530) 720-5820, or Caltrans environmental coordinator Caitlin Greenwood at Caitlin.Greenwood@dot.ca.gov or at (530) 821-8296.

Sincerely,



Laura Loeffler, Branch Chief, M-1
Division of Environmental, North Region
Caltrans District 3, Marysville