



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Marine Region  
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Santa Barbara, CA 93109  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



June 18, 2021

Governor's Office of Planning & Research

June 18 2021

Lilly Whalen  
Community Development Director  
City of Sausalito  
420 Litho Street  
Sausalito, CA 94965

## STATE CLEARINGHOUSE

**SUBJECT: Clipper Yacht Harbor Marina Dock Replacement Project Draft Mitigated Negative Declaration SCH# 2021050449**

Dear Ms. Whalen:

The California Department of Fish and Wildlife (Department) received a Notice regarding a draft Mitigated Negative Declaration (MND) from the City of Sausalito for the Clipper Yacht Harbor Marina Dock Replacement Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, Section 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines Section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, Section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act. Pursuant to our jurisdiction, the Department has the following comments and recommendations regarding the Project.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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## PROJECT DESCRIPTION SUMMARY

**Proponent:** Bellingham Marine Industries, Inc.

**Objective:** The objective of the Project is to remove and replace the existing boat docks within Clipper Yacht Harbor Basin 3 and 4. Primary Project activities include dock removal, removal of 284 piles, installation of 211 14-16" concrete piles with an impact hammer, and removal and replacement of all existing infrastructure in Basin 3 and 4 docks. The current docks include 2.34 acres of overwater structure and will be replaced within the existing footprint totaling 2.28 acres of new overwater structures.

**Location:** The Project is located at 310 Harbor Drive, Sausalito, CA, Marin County.

**Timeframe:** The Project is proposed to begin July 2022 and end November 2023.

## MARINE BIOLOGICAL SIGNIFICANCE

The San Francisco Bay-Delta is the second largest estuary in the United States and supports numerous aquatic habitats and biological communities. It encompasses 479 square miles, including shallow mudflats. This ecologically significant ecosystem supports both state and federally threatened and endangered species and sustains important commercial and recreational fisheries.

## STATE AND FEDERALLY LISTED AND COMMERCIAL/RECREATIONALLY IMPORTANT SPECIES

Protected species under the State and Federal Endangered Species Acts that could potentially be present near Project activities include:

- Chinook salmon (*Oncorhynchus tshawytscha*), state and federally threatened (Sacramento River Spring-run), state and federally endangered (Sacramento River Winter-run)
- Steelhead (*Oncorhynchus mykiss*), federally threatened (Central California Coast and Central Valley evolutionary significant units)
- Green sturgeon (*Acipenser medirostris*), federally threatened (southern Distinct Population Segment)
- Longfin smelt (*Spirinchus thaleichthys*), state-threatened
- Brown pelican (*Pelecanus occidentalis californicus*), state fully protected

Several species with important commercial and recreational fisheries value that could potentially be impacted by Project activities include:

- Dungeness crab (*Cancer magister*),
- Pacific herring (*Clupea pallasii*),
- Rockfish (*Sebastes* spp.),
- California halibut (*Paralichthys californicus*),
- Surfperches (*Embiotocidae*).

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## **COMMENTS AND RECOMMENDATIONS**

The Department offers the comments and recommendations below to assist the City of Sausalito in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### **Comment 1: Water Jetting for Pile Placement**

The draft MND discusses the use of water jets to place piles prior to driving them in place. Water jets can cause additional turbidity which in turn may have greater impacts on adjacent eelgrass beds and/or potentially remobilize contaminants in the soil.

**Recommendation:** The Department recommends that the applicant examine different approaches to placing piles before driving. The soils in the area may be soft enough to place the pile in its location and let it sink in under its own weight. Another option is to push the pile down until resistance is met. Both options would be a less impactful method of placing piles prior to driving into place.

### **Comment 2: Proposed Hydroacoustic Minimization Measures**

The Department is in general agreement with the proposed measures (i.e., installation of a bubble curtain, use of a wood cushion block) for reducing potential hydroacoustic impacts to fish and marine mammals. However, another technique should be added as a potential avoidance/minimization measure.

**Recommendation:** The Department recommends adding a soft start as a pile driving minimization and avoidance measure to further reduce potential hydroacoustic impacts to aquatic species. A soft start is when the pile is struck with a lighter initial blow to scatter any fish and/or marine mammals out of the area prior to commencing full hammering.

### **Comment 3: Mitigation Measure BIO-2: Implementation of Clipper Yacht Harbor Eelgrass Mitigation Plan**

The Department is in general agreement with the Eelgrass Mitigation Plan (Plan) as described within the draft MND. However, the Department recommends the following changes be made.

**Recommendation 1:** The Department recommends that the qualitative and quantitative surveys examine an area of 45 meters from Project activities. The draft MND describes the surveys as occurring within the Project footprint plus a 10 meter buffer. It is not clear if this area would be sufficient in determining if Project related impacts to eelgrass could occur.

**Recommendation 2:** The Department recommends that the pre-construction quantitative survey occur within 60 days of starting in-water work to ensure the survey depicts an accurate representation of eelgrass present within the surveyed area.

**Recommendation 3:** The Department recommends that all eelgrass surveys conducted for the Project are consistent with recommendations and requirements outlined in the California Eelgrass Mitigation Policy (NOAA 2014).

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**Comment 4: Mitigation Measure BIO-2 Reviewing Agencies**

Mitigation Measure BIO-2 should include that the Plan needs to be submitted to the Department, in addition to the National Marine Fisheries Service and U.S Army Corps of Engineers, for review, consultation, and approval.

**Recommendation:** The Department recommends adding the Department as a required reviewing agency for all qualitative and quantitative pre- and post-construction eelgrass surveys, as well as any required mitigation plans, in the event Project related impacts to eelgrass are identified.

**Comment 5: Dock Construction Materials**

In describing the construction materials that will be utilized for the replacement docks, the draft MND mentions the use of wood. Fish and Game Code states that it is unlawful to deposit into, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, or bird life (FGC Section 5650(6)). The Department considers any wood treated with Ammoniacal Copper Zinc Arsenate (ACZA), Chromated Copper Arsenate (CCA), or Alkaline Copper Quaternary (ACQ) to be deleterious materials.

**Recommendation:** The Department recommends that the final MND describe the construction measures in greater detail. Additionally, the Project should utilize untreated wood that can withstand a marine environment or wrap or coat all treated wood with a benign material, such as plastic wrap or a polyurea coating, to prevent waters of San Francisco Bay from direct contact with the treated wood. All wrapped or coated treated wood that may be subject to contact with floating debris and/or boats should be inspected on a yearly basis to confirm the integrity of the wrap or coating and to repair any damaged areas.

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 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>.

**FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. 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 the Department. Payment of the fee is required for the underlying project approval to be

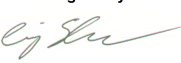
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operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

The Department appreciates the opportunity to comment on the draft MND to assist the City of Sausalito in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Arn Aarreberg, Environmental Scientist, Marine Region at (707) 791-4195 or [Arn.Aarreberg@wildlife.ca.gov](mailto:Arn.Aarreberg@wildlife.ca.gov).

Sincerely,

DocuSigned by:  


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## **References**

NOAA (National Oceanic and Atmospheric Administration) Fisheries, West Coast Region. 2014. California Eelgrass Mitigation Policy and Implementing Guidelines. Available from: <https://www.fisheries.noaa.gov/region/west-coast#habitat>