

State of California
Department of Fish and Wildlife



Memorandum

Date: August 11, 2021

Governor's Office of Planning & Research

To: Mr. Maxwell Lammert
California Department of Transportation
District 4; Environmental Planning
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August 11 2021

STATE CLEARING HOUSE

DocuSigned by:

Stacy Sherman

From: Ms. Stacy Sherman, Acting Regional Manager
California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: Napa Bundle Northern Corridor Gas Pipeline Maintenance Program, Initial Study with Mitigated Negative Declaration, SCH No. 2021070116, Napa County

The California Department of Fish and Wildlife (CDFW) has reviewed the proposed draft Initial Study with Mitigated Negative Declaration (IS/MND) for the Napa Bundle Northern Corridor Gas Pipeline Maintenance Program (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW is submitting comments on the IS/MND as a means to inform the California Department of Transportation (Caltrans) as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is a Trustee Agency with responsibility under CEQA §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 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. CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT LOCATION AND DESCRIPTION

Caltrans, as the lead agency, in cooperation with Pacific Gas and Electric (PG&E) proposes hydrostatic testing and pipeline replacements along the seven (7) mile section of pipeline between post mile (PM) 28.36 and 35.43 on State Route (SR-29) in Napa County (PG&E PM 20.61 to 26.12). The Project is within the cities of Calistoga, Napa, Yountville and unincorporated areas of Napa County, California.

¹ 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.

Mr. Maxwell Lammert
California Department of Transportation

2

August 11, 2021

The Project will include hydrostatic testing and pipeline replacements along the seven-mile section of pipeline between post miles (PM) 28.36 and 35.43 on SR-29 in Napa County. Hydrostatic testing is a process performed by pressurizing piping to examine and monitor for pressure loss to determine if leaks are present in the system. Pipeline replacements will involve excavation work for input and receiving areas of the pipeline. Installing the replacement pipeline will require temporary construction easements and staging areas located along SR-29, including areas within Caltrans' right of way (ROW) to conduct aerial crossing replacements, auger boring and horizontal directional drilling (HDD). The majority of the previously existing gas pipelines proposed for replacement that cannot be repaired will be capped and abandoned in place. The Project will also remove individual services to customers and related high-pressure regulator (HPR) stations on the distribution feeder main (DFM) transmission pipeline and install a lower pressure natural gas distribution pipeline. Construction activities will occur within and adjacent to PG&E's existing pipeline easement and will include replacing four miles of DFM natural gas transmission pipeline and installing four miles of natural gas distribution pipeline as noted in within the IS/MND.

LAKE AND STREAMBED ALTERATION AGREEMENT

The Project has the potential to impact stream resources including bed, bank channel and riparian habitat associated with the mainstems, tributaries, drainages and floodplains within a variety of creek systems known to occur within the Project limits. Those creek systems include but are not limited to Sulphur Creek, Mill Creek, York Creek, Hirsch Creek, Nash Creek and Ritchie Creek. If work is proposed that will impact the bed, bank, channel or riparian habitat, including the trimming or removal of trees and riparian vegetation, the proposed Project may require an LSA Agreement pursuant to Fish and Game Code section 1600 et. seq. This includes impacts to drainage systems that connect to tributaries of main stem creeks and tributaries that occur within the Project Biological Study Area (BSA). CDFW requires notification for an LSA for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, bank or channel 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 generally subject to notification requirements.

CALIFORNIA ENDANGERED SPECIES ACT

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

Mr. Maxwell Lammert
California Department of Transportation

3

August 11, 2021

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially reduce the number or restrict the range of an endangered, rare or threatened species. See for example, Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065. Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360). CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, or endangered species (CEQA Guidelines, §15380). Threatened, endangered, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Common Name	Scientific Name	Status
California red-legged frog	<i>Rana draytonii</i>	SSC, FT
California freshwater shrimp	<i>Syncaris pacifica</i>	SE
foothill yellow legged-frog	<i>Rana boylei</i>	SSC
American badger	<i>Taxidea taxus</i>	SSC
western pond turtle	<i>Emys marmorata</i>	SSC
monarch butterfly	<i>Danaus plexippus</i>	SGCN
Notes:		
FE = Federally Endangered; FT = Federally Threatened; FC = Federal Candidate Species; SE = State Endangered; SFP = State Fully Protected; SSC = State Species of Special Concern, SGCN = Species of Greatest Conservation Need		

CDFW recommends that prior to Project implementation surveys be conducted for special-status species noted in this comment letter with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

COMMENTS AND RECOMMENDATIONS

CDFW acting as a Responsible Agency, has discretionary approval under CESA through issuance of a CESA Incidental Take Permit and LSA Agreement, as well as other provisions of the Fish and Game Code that afford protection to the State's fish and

Mr. Maxwell Lammert
California Department of Transportation

4

August 11, 2021

wildlife resources. CDFW would like to thank you for preparing the IS/MND and CDFW recommends the following updates, avoidance and minimization measures be imposed as conditions of Project approval by the lead agency, Caltrans, to ensure all Project-related impacts are mitigated to below a level of significance under CEQA:

COMMENT 1: Auger Bore, Horizontal Directional Drilling and Pipe Hanging

Issues:

The IS/MND specifies the use of auger boring, HDD and pipe hanging methods to install gas pipeline both over and under creek systems within the Project limits. Systems identified within the IS/MND include but are not limited to Sulphur Creek (Page 2-2), Ritchie Creek (Page 2-15) and Hirsch Creek (Page 2-15). Other systems noted in the IS/MND include Mill Creek and Nash Creek (Page 3-181). The IS/MND does not specify if an LSA will be applied for. The auger bore, HDD process and pipe hanging methods of pipe installation are all potentially subject to notification pursuant to Fish and Game Code section 1600 et. seq.

CDFW is concerned with the proposed auger boring and HDD methods due to the potential for hydraulic fracture and destabilization of the soils within the area between the stream beds and the drilling. Any fracture or soil destabilization during construction could result in substantial adverse effects to aquatic and/or riparian resources and special-status species that may be present in the system such as California freshwater shrimp (*Syncaris pacifica*), California yellow-legged frog (*Rana boylei*) and California red-legged frog (*Rana draytonii*).

Evidence the impact would be significant:

Page 3-185 of the IS/MND notes the auger bore and HDD process includes the use of additives such as bentonite and polymers that are injected ahead of the drill face to increase the stability of the soils during drilling. If hydraulic fracture were to occur, there is potential for these additives to be deposited into the stream channel. The primary concern of CDFW with regards to the process is the potential for hydraulic fracture or other type of destabilization of the soils within the area between the stream beds and the tunnels. Fracture or other soil destabilization could introduce pollutants into the stream, alter the contours of the stream bed or bank and introduce excess sedimentation. Many species of fish spawn in gravel, depositing eggs in the void spaces between the framework particles. The eggs require fresh, moving water to survive and grow and then an escape route after they have hatched. If excess sedimentation fills in these spaces, mortality rates of the fish eggs has been shown to increase (Jones and Stokes 1990). In addition, the pipe hanging method may have the potential to remove riparian trees or result in the deposit of material into the bed, bank and channel of a creek or river.

Mr. Maxwell Lammert
California Department of Transportation

5

August 11, 2021

Recommendations:

Recommended Mitigation Measure 1: Auger Bore, HDD and Aerial Pipe Hanging:

CDFW recommends the Biological Resources Section of the IS/MND is updated to require notification for an LSA for each location within the Project limits that is working adjacent to or crosses over or under a stream or creek, regardless of the degree of fracture or soil destabilization risk (low or high risk). CDFW also recommends an analysis be provided as part of the CEQA document evaluating direct or indirect impacts to biological resources that could occur as a result of a Project frac-out or construction, including the removal of riparian trees and impact to bed, bank and channel.

Frac-Out Contingencies Recommended Mitigation Measure 2: CDFW recommends the following measure be included to avoid and minimize any potentially significant impacts created by auger boring or HDD frac-out: Auger boring and HDD activities shall only be conducted between June 15 to October 15, when the creek will most likely be dry. A frac-out contingency plan will be developed that includes a contingency for frac out containment and a frac-out monitor will be assigned at each location to implement the frac-out contingency plan.

COMMENT 2: Monarch Butterfly and Native Milkweed

Issue:

The Project limits contains multiple occurrences of native milkweed species endemic to California (Western Monarch Milkweed Mapper, 2021) known to support the life cycle of the western monarch butterfly. The North American migratory populations of monarchs have experienced dramatic declines over the past twenty years due to a suite of interrelated factors including habitat loss in breeding and overwintering sites, habitat degradation, disease, pesticide exposure, and climate change (CDFW, 2021). Planting milkweed species native to California is an essential action in supporting the recovery of this species of greatest conservation need (Assembly Bill (AB) 559, 2015/16). AB 559 also promotes the use of transportation corridors to create, enhance and restore monarch butterfly habitat.

Recommendations:

Recommended Mitigation Measure 1: Utilization of Native Milkweed Species

CDFW recommends incorporating native, regionally appropriate milkweed species, such as narrow-leaved milkweed (*Asclepias fascicularis*) into seed mixes and plant pallets for hydroseed and re-vegetation in areas of temporary impact to benefit native pollinators such as the monarch butterfly. AB 559 promotes initiatives to protect and restore monarch habitat within transportation corridors, such as SR-29 and encourage public entities such as Caltrans to create, enhance and restore monarch butterfly habitat throughout its native range in cooperation with CDFW.

Mr. Maxwell Lammert
California Department of Transportation

6

August 11, 2021

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Mr. Robert Stanley, Senior Environmental Scientist (Specialist), at (707) 339-6534 or Robert.Stanley@wildlife.ca.gov; or Mr. Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

cc: State Clearinghouse No. 2021070116

REFERENCES

Assembly Bill 559 (AB 559) Monarch Butterflies: Conservation 2015-2016. State of California. [Today's Law As Amended \(ca.gov\)](#).

California Department of Fish and Wildlife (CDFW). 2021. The Monarch Butterfly. [Monarch Butterfly \(ca.gov\)](#)

Jones and Stokes Associates. 1990. Channel stabilization and riparian restoration plan for the lower 23 miles of the Truckee River. Draft report to U.S. Fish and Wildlife Service. Sacramento, CA.

Western Monarch Milkweed Mapper. 2021. Sightings Map. <https://www.monarchmilkweedmapper.org/app/#/combined/map>