

**State of California  
Department of Fish and Wildlife**

**Governor's Office of Planning & Research**

**M e m o r a n d u m**

**August 10 2021**

**STATE CLEARING HOUSE**

**Date:** August 10, 2021

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**From:** Tina Bartlett, Regional Manager  
Northern Region



**Subject: Elk Creek Bridge Replacement (SCH# 2021070412)**

On July 22, 2021, the California Department of Fish and Wildlife (CDFW) received a draft Initial Study and Proposed Mitigated Negative Declaration/Environmental Assessment (ISMND/EA) from the California Department of Transportation (Caltrans) for the Elk Creek Bridge Replacement Project (Project), Mendocino County, California. CDFW understands that Caltrans will accept comments on the Project through August 20, 2021.

As a Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

**Project Description**

Caltrans proposes to replace the Elk Creek Bridge, located south of the unincorporated community of Elk on State Route 1 at Post Mile 31.5 in Mendocino County. The existing bridge is a 122-foot long, continuous three-span, cast-in-place reinforced concrete bridge with two 11-foot lanes and two-foot shoulders. The proposed Project consists of replacing the existing structure with a 140-foot long cast-in-place concrete box girder bridge with 12-foot lanes, six-foot shoulders, and a six-foot separated pedestrian and bicycle walkway on the west side of the bridge. The proposed Project also includes construction of a temporary one-lane 22.5-foot wide, 140-foot long bridge and

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temporary roadway approaches east of the current bridge to accommodate traffic control throughout the two-season construction period. Additionally, the proposed Project includes bio-engineered bank revetment consisting of rock slope protection including installation of 10-12 root wads to enhance habitat and mitigate for impacts to salmonids. The temporary bridge would be removed in the middle of the second construction season once the new permanent bridge is completed, to allow room for the bio-engineered revetment to be constructed on the north bank.

### **Environmental Setting and Special Status Species**

Elk Creek is an important fish-bearing stream that provides spawning and rearing habitat for a variety of salmonids and other sensitive aquatic species, including federally threatened Northern California steelhead (*Oncorhynchus mykiss*), federally endangered (FE) and state endangered Central California Coast (CCC) coho salmon (*O. kisutch*), state species of special concern (SSC) Pacific Lamprey (*Entosphenus tridentatus*), FE tidewater goby (*Eucyclogobius newberryi*), and FE/SSC California red-legged frog (*Rana draytonii*). The riparian corridor surrounding Elk Creek provides foraging, nesting, and roosting habitat for a variety of riparian bird species including SSC yellow warbler (*Setophaga petechia*). The riparian habitat also provides potential foliage roosting habitat for SSC Western red bat (*Lasiurus blossevillii*).

### **CDFW Consultation History**

CDFW consultation at the Project site dates back nearly ten years, including prior permitting for accumulated wood removal at the project site in 2013, and an emergency repair project for failed concrete slope protection in 2016. Consultation on the current proposed Project has been ongoing since at least 2018, and CDFW appreciates the level of communication and coordination by Caltrans staff. CDFW agrees with the general approach described in the draft ISMND/EA and appreciates that many of CDFW's recommendations have been incorporated into the project.

### **CDFW Permitting**

The proposed Project will require a Lake or Streambed Alteration Agreement as well as authorization for take of CCC coho salmon pursuant to CESA. CDFW looks forward to continuing to coordinate with Caltrans to ensure that mitigation approaches will be compatible with state permitting requirements, including coordination between CDFW Conservation Engineering staff and Caltrans Engineering staff on designs for the proposed bio-engineered revetment, and further coordination on mitigation approaches for impacts to onsite habitat.

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## Sensitive Natural Communities

The draft ISMND/EA states that the proposed Project will result in impacts to several Natural Communities. These Natural Communities include Red Alder Riparian Forest, Sitka Willow Thickets, and Coastal Brambles. These Natural Communities are considered Sensitive Natural Communities by CDFW, either due to their State Rank of 3 (Vulnerable – At moderate risk of extirpation in the state due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors) or lower, or because they are part of the riparian zone adjacent to Elk Creek.

The draft ISMND/EA classifies impacts to Sensitive Natural Communities in three types: Permanent, Temporal (impacts that would take greater than one year to re-establish), and Temporary (impacts to vegetation that will be re-established within one year). For permitting and environmental review purposes, CDFW typically recommends that impacts to mature riparian habitat and any other Sensitive Natural Communities that would require greater than one year to re-establish be mitigated at a 3:1 or greater ratio to account for temporal losses, functionally treating these impacts as permanent.

The draft ISMND/EA states that the proposed Project would remove 0.007 acres of these habitats permanently and would remove 0.67 acres of these habitats for a period of greater than one year. The proposed Project would result in removal of 0.5 acres of mature Red Alder Riparian forest adjacent to Elk Creek. Additionally, the project would result in removal of 0.17 acres of Sitka Willow Thicket and 0.075 acres of Coastal Brambles. These impacts would result in temporary (108 linear feet) and permanent (18 linear feet) removal of riparian shade canopy along the banks of Elk Creek. According to the ISMND/EA, the combined impacts to riparian vegetation and Sensitive Natural Communities would result in removal of approximately 10% of the existing Sensitive Natural Community habitat within the Biological Study Area, with larger impacts (12.3% and 26.6% respectively) on Red Alder Riparian Forest and Sitka Willow Thicket habitat, and smaller impacts (0.1%) on Coastal Bramble habitat.

The draft ISMND/EA does not identify impacts to Sensitive Natural Communities or riparian vegetation as an impact that requires mitigation to reduce the impact to a less than significant level, despite anticipating a substantial revegetation (compensatory mitigation) requirement that will be imposed via various future state permits. The draft ISMND/EA states:

*“Impacts to the sensitive natural communities discussed above would be minimized with implementation of the Standard Measures and Best Management Practices and anticipated regulatory agency permit conditions.”*

Because of the amount and type of habitat that will be impacted, and the sensitive fish, wildlife, and plant resources onsite, CDFW disagrees with the assessment that Project impacts to Sensitive Natural Communities are less than significant. The impacts as described would create a “substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or

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by the California Department of Fish and Game or US Fish and Wildlife Service," as described in the CEQA Guidelines Appendix G, and should therefore be considered a potentially significant impact. When preparing an IS/MND, the Lead Agency must include feasible mitigation measures in order to reduce impacts to a less than significant level pursuant to CEQA section 21002, with sufficient details and performance standards to avoid improperly deferring mitigation until some future time, pursuant to CEQA Guidelines section 15126.4 (a)(1)(B). The mitigation measures should, at minimum, commit to performance standards such as revegetation ratios and success criteria, and should provide location(s) of off-site revegetation areas, including information regarding land ownership and future proposed management plans. These details should be incorporated into a draft MMRP, which should be added to the ISMND/EA prior to notification for adoption. CDFW looks forward to continuing to coordinate with the Caltrans in developing appropriate mitigation that will reduce Project impacts to less than significant and fulfill state permitting requirements.

Thank you for the opportunity to comment on this draft IS/MND. CDFW staff are available to meet with you to consult with or address the contents of this letter in greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Senior Environmental Scientist Specialist Jennifer Olson at (707) 499-5081 or by email at [Jennifer.Olson@wildlife.ca.gov](mailto:Jennifer.Olson@wildlife.ca.gov).

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