

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

Governor's Office of Planning & Research

Memorandum

September 02 2021

Date: September 2, 2021

STATE CLEARINGHOUSE

To: Rachelle Estrada
Associate Environmental Planner
North Region Environmental
1656 Union Street
Eureka, CA 95501
Rachelle.Estrada@dot.ca.gov

From: Tina Bartlett, Regional Manager
Northern Region



Subject: Gualala Shoulders and Rumble Project (SCH# [2021080184](#))

On August 12, 2021, the California Department of Fish and Wildlife (CDFW) received a draft Initial Study with Proposed Mitigated Negative Declaration (ISMND) from the California Department of Transportation (Lead Agency) for the Gualala Shoulders and Rumble Project (Project), Mendocino County, California. CDFW understands that the Lead Agency will accept comments on the Project through September 13, 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 under 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 Project impacts on public trust resources.

Project Description

The Lead Agency proposes to realign the roadway, widen shoulders, create edge line rumble strips, install guardrail and supporting retaining walls, replace and extend culverts, and relocate utility poles on State Route 1 in Mendocino County, from post mile (PM) 6.4 to 6.8 and from PM 9.2 to 9.5 north of Gualala. The Project entails pavement overlay, restriping, right-of-way acquisition, cut and fill earthwork, utility relocation, tree removal, replacement and/or extension of culverts and down-drains,

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private driveway conformance and erosion control. Ditch reconstruction and flowline re-establishment would be performed in both directions throughout the Project limits.

Environmental Setting and Special Status Species

The Project site provides habitat for and/or contains occurrences of a variety of sensitive species and Natural Communities, including but not limited to Bishop Pine (*Pinus muricate*) Forest Alliance, Pacific reedgrass (*Calamagrostis nutkaensis*) Herbaceous Alliance, Palustrine Emergent Wetlands, intermittent and perennial streams, Harlequin lotus (*Hosackia gracilis*), coast lily (*Lilium maritimum*), fringed corn lily (*Veratrum fimbriatum*), California red-legged frog (*Rana draytonii*), southern torrent salamander (*Rhyacotriton variegatus*), osprey (*Pandion haliaetus*), purple martin (*Progne subis*), northern spotted owl (*Strix occidentalis caurina*), western bumble bee (*Bombus occidentalis*), lotis blue butterfly (*Plebejus idas lotis*), Behren's silverspot butterfly (*Speyeria zereene sp. beherensii*), and Sonoma tree vole (*Arborimus pomo*).

CDFW Consultation History

CDFW consultation for the Project has been ongoing since early 2020, and CDFW appreciates the level of communication and coordination by Caltrans staff. CDFW agrees with the general approach described in the draft ISMND and appreciates that many of CDFW's recommendations have been incorporated into the project.

CDFW Permitting

As noted in the ISMND, the proposed Project will require a Lake or Streambed Alteration Agreement pursuant to Fish and Game Code 1602, for substantial alterations to bed, bank, and channel of several unnamed jurisdictional streams within Project boundaries.

Deferred Mitigation for Sensitive Natural Communities

The draft ISMND states that the proposed Project will result in impacts to several Sensitive Natural Communities. These Natural Communities include Bishop Pine Forest Alliance, Pacific Reedgrass) Herbaceous Alliance, and several types of wetland and riparian habitat. 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 a wetland or riparian habitat area.

The draft ISMND classifies the temporary (.12 acres) and permanent (.54 acres) of Project impacts on Pacific Reedgrass Herbaceous Alliance, the permanent (1.05 acres) Project impacts on Bishop Pine Forest Alliance, the temporary (.13 acres) and

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permanent (.13 acres) impacts on wetlands, and the permanent (.14 acres) impacts to riparian habitat as “less than significant with mitigation incorporated.” However, the proposed mitigations for these impacts lack adequate details and performance standards to ensure that the impacts will actually be mitigated to a less than significant level.

For Pacific Reedgrass Herbaceous Alliance, the ISMND states:

“To compensate for the loss of this sensitive natural community, Caltrans would comply with regulatory requirements determined as part of the coastal development permit (CDP). The compensation ratio would be determined through coordination with Mendocino County as part of the permitting process. Unavoidable temporary loss of Pacific reedgrass meadow would be restored onsite and additional onsite restoration and replanting opportunities would be implemented to the maximum extent practicable. If necessary, Caltrans would also implement offsite restoration measures to compensate for temporary and permanent losses of Pacific reedgrass meadow.”

For Bishop Pine Forest Alliance, the ISMND states:

“Caltrans anticipates pursuing restoration opportunities to offset proposed permanent impacts to 1.05 acre of Bishop pine forest alliance. Both on-site enhancement and off-site restoration are being considered and may include the following:

- *On-site revegetation and enhancement (e.g., invasive species removal) within existing Bishop pine forest in the project area. This may include removal of invasive species or planting where possible as outlined in the revegetation plan.*
- *Off-site preservation or planting and restoration or enhancement: restoration of appropriate habitat within a conservation easement, on public lands, at future mitigation banks, or other suitable areas. Caltrans is currently working with a local non-profit to establish an offsite restoration area south of the project locations.*
- *Exact mitigation ratio and permit requirements would be determined in the permitting phase and the final combination of mitigation strategies would be determined after additional conversations with local and state regulatory agencies, including those currently working to understand and restore Bishop Pine Forests on the southern Mendocino coast, particularly in the context of locally widespread disease and decline.”*

For wetlands and other waters (including riparian habitat), the ISMND states:

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“While the standard measures built into the project would help offset potential effects, Caltrans anticipates pursuing compensatory mitigation for permanent impacts to wetlands and other waters. Both on-site enhancement and off-site restoration are under consideration and options may include the following:

- *On-site revegetation and enhancement (e.g., invasive species removal) within PEM wetland and riverine habitats in the project area. Efforts to restore and revegetate the PEM wetland seep would also include restoration of the Pacific reedgrass meadow, the dominant species and vegetation community within much of the PEM wetland.*
- *Planting and seeding wetland and riparian species known to occur on-site, depending on what may be commercially available at local nurseries (i.e. rushes, sedges, ferns, Pacific reedgrass) and removal of broom species and silver wattle.*
- *Off-site riparian enhancement, daylighting waters, and wetland creation and improvements within the Big-Navarro-Garcia Watershed, undertaken in cooperation with local land steward organizations or mitigation banks.*

The specific combination of mitigation measures would be determined through coordination with appropriate regulatory agency personnel and would depend on available restoration or wetland creation options within the Big-Navarro-Garcia watershed. Revegetation Plans and Off-Site Mitigation and Monitoring Plans would be submitted with permit applications during the permitting phase of the Project.”

When preparing an ISMND, the Lead Agency must include feasible mitigation measures in order to reduce impacts to less than significant level, pursuant to CEQA section 21002. While the ISMND does include general mitigation ideas and concepts, the document does not commit to any particular course of action, and it is unclear whether some of the proposed options are actually feasible. The measures lack 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 prior to notification for adoption.

CDFW looks forward to continuing to coordinate with the Lead Agency in developing appropriate mitigation that will reduce Project impacts to less than significant and fulfill

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state permitting requirements. CDFW staff are available to meet with you to and 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.

Ec: Daniel Breen
U.S. Army Corps of Engineers
Daniel.B.Breen@usace.army.mil

Susan Stewart
North Coast Regional Water Quality Control Board
Susan.Stewart@waterboards.ca.gov

Rebecca Garwood, Michael van Hattem, Jennifer Olson,
California Department of Fish and Wildlife
Rebecca.Garwood@wildlife.ca.gov, Michael.vanHattem@wildlife.ca.gov,
Jennifer.Olson@wildlife.ca.gov, CEQAcommentletters@wildlife.ca.gov

State Clearinghouse, Office of Planning and Research
State.Clearinghouse@opr.ca.gov