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DEPARTMENT OF FISH AND WILDLIFE
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JOHNSON PIER RECONFIGURATION, VESSEL DOCK, AND FUEL DOCK
REPLACEMENT PROJECT
MITIGATED NEGATIVE DECLARATION
SCH# 2022040243

Dear Mr. Moren:

The California Department of Fish and Wildlife (Department) received a Draft Initial Study and Mitigated Negative Declaration (MND) from the San Mateo County Harbor District for the John Pier Reconfiguration, Vessel Dock, and Fuel Dock Replacement Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. 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 and Game Code, Section 711.7, subd. [a] & 1802; Public Resources Code, Section 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

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.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: San Mateo County Harbor District (Harbor District)

Objective: The objective of the Project is to expand Johnson Pier to create more operating space at the pier head, replace six docks, and add a work dock, which will improve safety and dock accessibility, increase the life and capacity of commercial docks, and remove current constraints. Primary Project activities for the pier expansion include removal of the existing treated timber wharf and 56, 14-inch treated timber piles, and installation of 125, 24-inch octagonal concrete piles with an impact hammer. For the floating dock replacement, up to 190 existing 14-inch square concrete guide piles will be removed using a vibratory hammer and replaced with 230, 16-inch square concrete piles using an impact hammer. Hydraulic jetting may be used to aid in pile installation.

Location: The Project is located at Johnson Pier in Pillar Point Harbor (Harbor) in the community of Princeton, San Mateo County (37.502057°, -122.482221°).

Timeframe: The Project start and end dates were not stated in the MND. Piles will be driven for approximately 80 days, with up to five piles per day. Pile removal will take approximately 40 days, with about 10 piles removed per day.

BIOLOGICAL SIGNIFICANCE

Discussion and Comment: The marine ecosystems of California's central coast host thousands of species of marine plants, fish, invertebrates, seabirds and shorebirds, turtles, and mammals. This extraordinary biodiversity stems from the region's dynamic ocean environment, where upwelling provides nutrient-rich water to the coast and the multifarious seafloor creates a wide range of habitats, including seagrass meadows, kelp forests, rocky intertidal, and sandy beaches. The variety of marine and coastal habitats supply fish and wildlife with nursery grounds, shelter, and areas to forage and reproduce, supporting the region's numerous commercial and recreational fisheries and ecotourism economy. As the only harbor-type environment between Santa Cruz and San Francisco, the Pillar Point Harbor provides eelgrass habitat and refuge for marine species on an otherwise open coast.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the Harbor District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife resources. Editorial comments or other suggestions may also be included to improve the document.

I. Project Level Impacts and Other Considerations

1. Chinook Salmon Release in Pillar Point Harbor

Comments: The Chinook Salmon Coastal Release Project enhances local recreational and commercial salmon fisheries by releasing hatchery-origin (HO) Chinook salmon (*Oncorhynchus tshawytscha*) smolts at various locations along the coast, including Pillar Point Harbor. The releases are operated by the Coastside Fishing Club (CFC) and supported by the Department. CFC plans to release 750,000 HO Central Valley fall-run Chinook salmon smolts from the Harbor in spring of 2022, 2023, and 2024 (CDFW 2022). Smolts will be offloaded into a net pen tied to the end of Johnson Pier (37.501274°, -122.482717°) and subsequently towed to an outer harbor mooring (37.499480°, -122.485234°) for acclimation and release, a process which takes a total of five days. The 2022 releases at the Harbor will occur on June 5, 11, and 18; spring release dates in 2023 and 2024 are to be determined.

In one to three years, the adult salmon will typically return to the Central Valley during spawning season. However, it is possible that some adults return to the Harbor each fall. The Department has received reports of recreational fishers catching these fish off the breakwaters and docks in some years.

Recommendations: The Department recommends coordinating with the Department and CFC to ensure impacts to Chinook salmon from the Project are avoided and minimized. The Harbor District should avoid conducting any in-water work, especially pile driving, during the five-day periods when salmon smolts are being held in the Harbor. Multiple minimization measures should be used during pile driving and hydraulic jetting (see Subsection 3, "Pile Driving and Hydraulic Jetting" below) to reduce noise and water quality impacts to fish that may still be present in, or that return to, the Harbor.

2. Marine Mammal and Sea Turtle Monitoring

Comments: According to the MND, harbor seals (*Phoca vitulina*) and California sea lions (*Zalophus californianus*) are present in the Project area. Other species of marine mammals, as well as sea turtles, also have at least some potential to occur within the Project area. Project activities, particularly noise from pile driving, could impact these animals if they are present.

The Department finds Mitigation Measure (MM) BIO-3 in the MND to be inadequate for the protection of marine mammals and sea turtles. Currently, MM BIO-3 requires a preconstruction survey to be conducted no more than 48 hours prior to the start of construction; further avoidance and mitigation measures would only be required if marine mammals or sea turtles are found during this survey. The Department asserts that a preconstruction survey conducted any number of hours, especially up to 48 hours, before the start of construction would overlook marine mammals and

sea turtles that enter the area after the survey is completed, leaving these animals susceptible to noise impacts from pile driving.

Recommendations: The Department recommends that the Harbor District prepare and implement a marine mammal and sea turtle monitoring plan that includes, but is not limited to:

- Establishment of an underwater exclusion zone;
- Preconstruction monitoring (such as in MM BIO-3) to update the animals' occurrence and use of the area;
- Monitoring of marine mammals and sea turtles by an experienced observer immediately prior to and during all pile driving activities;
- Pile driving should not occur while marine mammals or sea turtles are present within the exclusion zone.

The Department recommends that the Harbor District consult with the National Marine Fisheries Service and U.S. Fish and Wildlife Service regarding the above recommendation and any other necessary avoidance and mitigation measures to reduce impacts to marine mammals and sea turtles.

3. Pile Driving and Hydraulic Jetting

Comments: Noise generated from impact pile driving may have adverse effects on marine mammals, fish, and other marine organisms from physiological and/or behavioral changes. If hydraulic jetting is used for pile driving, this may impact water quality, releasing contaminants from sediments into the water and/or creating turbidity that could harm fish and shade or smother the Harbor's eelgrass (*Zostera marina*) beds.

Recommendations: The Department recommends using a vibratory hammer for pile driving to the greatest extent feasible. If an impact hammer must be used (e.g., due to pile material, refusal at bedrock), multiple minimization measures are needed to reduce sound levels as much as possible. In addition to the soft-start technique proposed in the MND (Mitigation Measure NOI-2), the Department recommends the following:

- A wood, or similar material, cushion block should be used between the pile and hammer during all pile driving using an impact hammer.
- To further reduce hydroacoustic impacts to fish and marine mammals, a bubble curtain should be used during all impact pile driving to reduce sound below levels that have been shown to cause injury and/or mortality.
- A sound attenuation and monitoring plan should be submitted to the resource agencies for review and approval prior to initiating pile driving activities.

Additionally, as stated above, all pile driving and hydraulic jetting should be planned to avoid overlap with the CFC's Chinook salmon release activities.

The Department typically does not recommend the use of hydraulic jetting due to water quality concerns. However, if hydraulic jetting must be used, the Department recommends the use of a silt curtain around the Project area during pile driving activities to reduce turbidity levels throughout the rest of the Harbor. The Department also recommends that sediments in the Project area be tested prior to the start of construction to ensure they are free of contaminants.

II. Closely Related Past, Present, and Reasonably Foreseeable Probable Future Projects

The Department is aware of two of the Harbor District's other existing projects occurring (or that will occur) within Pillar Point Harbor: the Pillar Point Harbor West Trail Living Shoreline Project and the Surfers Beach Pilot Restoration Project. The Department recommends that the Final MND discuss any overlap these projects will have with the Project and the resulting cumulative impacts these three projects may have on biological resources within the Harbor.

As described above, it is possible that the Chinook Salmon Coastal Release Project will have both temporal and spatial overlap with the Project. The Harbor District should work with CDFW and CFC to coordinate the activities of both projects and ensure impacts to salmon are avoided.

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. (Public Resources Code, Section 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#44524422-other>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. 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 in order for the underlying project approval to be operative, vested, and final. (California Code of Regulations, Title 14, Section 753.5; Fish and Game Code, Section 711.4; Public Resources Code, Section 21089.)

CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist the Harbor District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Amanda Canepa, Environmental Scientist, at (831) 277-9740 or Amanda.Canepa@wildlife.ca.gov.

Sincerely,



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REFERENCES

[CDFW] California Department of Fish and Wildlife. 2022. Chinook Salmon Coastal Release: Pillar Point Harbor Initial Study and Negative Declaration. California Department of Fish and Wildlife, Fisheries Branch. Available from <https://ceqanet.opr.ca.gov/2022030031>