



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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July 18, 2022

Governor's Office of Planning & Research

Jul 19 2022

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STATE CLEARINGHOUSE

Subject: River Road Over Gill Creek Bridge Replacement, Mitigated Negative Declaration, SCH No. 2022060354, Sonoma County

Dear Mr. Aguero:

The California Department of Fish and Wildlife (CDFW) received a Notice of Completion of a Mitigated Negative Declaration (MND) for the River Road over Gill Creek Bridge Replacement Project (project) pursuant to the California Environmental Quality Act (CEQA).¹

CDFW is submitting comments on the MND to inform Sonoma County (County), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 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 a California Endangered Species Act (CESA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated

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.

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riparian or wetland resources; 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 subject to notification requirements. **The project would impact Gill Creek and an unnamed tributary; therefore, an LSA Notification is warranted, as further described below.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Raptors and Other Nesting Birds

CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION SUMMARY

Proponent: Sonoma County

Objective: To remove the existing bridge on River Road over Gill Creek and construct a new bridge on a similar alignment. The replacement bridge structure would be two lanes and designed to meet the current seismic design standards. The project will also remove a weir in the Gill Creek streambed that has blocked fish passage.

Location: The project is located along River Road where it crosses Gill Creek, approximately 1.4 miles northeast of Geyserville, an unincorporated community and census-designated place in Sonoma County. It is located within the County right-of-way, centered at approximate coordinates 38.735467 degrees latitude and -122.916120 degrees longitude.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist Sonoma County in adequately identifying and/or mitigating the project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's recommendations, CDFW concludes that an MND is appropriate for the project.

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Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

Project Description

Comment 1: Section III, pages 4-7

After review by CDFW engineering staff, CDFW recommends addressing the following issues related to project design to reduce associated impacts on the function of the riparian system to less-than-significant:

- It appears that the structure's abutments will encroach on the channel migration zone (CMZ), estimated to be greater than 100 feet. A longer span outside of the CMZ is preferred for geomorphic continuity and will reduce risk of scour, reduce or eliminate the need for rock slope protection (RSP), and ensure long-term improved channel conditions for fish and wildlife migration.
- Initial channel substrate grading plan and the expected channel response has not been clearly described to include the long-term geomorphic response and effects on fish migration and habitat. Based on Figure 7-1: Predicted Equilibrium Channel Gradient referenced in the Hydraulic Report (Moffatt and Nichol, 2019b²), the final grade (FG) understructure elevation should be approximately EL235 at the thalweg.
- The Q100 WSEL should be EL240.80 or EL240.40, depending on channel grading method according to the Final Hydraulic Report (Moffatt and Nichol, 2019b). The top of RSP should be 2 feet lower than indicated in the plans on the preliminary construction details sheet (2/C-1) (Caltrans, 2021; Appendix C³). Construction details do not provide a full understanding of the spatial relationship of the revetment, abutments, foundation, soffit, thalweg profile, and channel cross section.
- As proposed, the 112-foot bridge span with the localized grading approach, the channel migration will be restricted to an estimated 66 feet at the elevation of the long-term scour of EL233. With the extended grading approach, the channel migration will be restricted to an estimated 70 feet at the elevation of the long-term scour of EL234. The width of the channel migration under the structure could be increased moderately if the revetment could be graded to 1.5:1. Based on the

² Moffatt and Nichol, 2019b. River Road Bridge over Gill Creek Draft Final Hydraulics Report. May 2018 – Updated July 2019. Prepared for: County of Sonoma Department of Transportation & Public Works. Prepared by Moffatt and Nichol. July 10, 2019.

³ Caltrans, 2021. Gill Creek at River Road Bridge Replacement Biological Assessment/Essential Fish Habitat Assessment. Prepared by Robert Aguero

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extended grading option this may result in a width of approximately 80 feet at the long-term scour EL234. These are estimates that should be checked based on analysis of the proposed cross section with consideration of structure required features such as benches at the abutments under the soffit, etc.

- With consideration of the proposed structure span of 112 feet, the extended grading option is preferred. As described in the Final Hydraulic Report (M&N, 2019b) the scour potential and velocities are reduced, resulting in a reduced size of RSP required to protect the banks under the bridge from 1/4T to 200lb, a reduction of the RSP volume from 2400CY to 850CY, and in a wider channel due to a slightly higher long-term scour elevation. Smaller RSP is also better for terrestrial migration.
- Voids in RSP in proposed abutment protection rock should be filled with smaller gradations to provide a surface traversable by wildlife (terrestrial).
- Geotextiles should be avoided in the channel, utilizing granular filter design in its place.
- Consider biotechnical engineering techniques for the wrap around portions of the abutment protection rock that is not under the structure. Recommend the use of biotechnical engineering methods in place of the "Bend RSP" (1/C-1).
- Right bank upstream of the bridge, artificial widening of the stream channel is likely a result of the restricted flow at the existing bridge. Recommend grading the bank to provide a smooth hydraulic transition along the bank, to under the proposed structure. This grading will likely result in better hydraulics in the channel upstream of the structure, reducing some of the effects from the abrupt contraction at the upstream side of the proposed structure revetment. Use of biotechnical engineering techniques would have an added benefit by adding roughness to the bank, reducing velocities and the effects of the slight skew of the creek towards this bank.
- At the location of the tributary to Gill Creek, grading transition will need to be considered. We recommend biotechnical engineering techniques for both abutment protection RSP and the bank protection.

Mitigation Measures

Comment 2: Section VII, Subsection 4.a, page 30

Issue: Mitigation Measure BIO-3 may not reduce impacts to riparian habitat to less-than-significant.

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Specific impact and why impact would occur: The project may result in temporary impacts to 0.01 acres of intermittent stream channel and 0.06 acres of riparian habitat along Gill Creek, and the permanent loss of 0.011 acres of intermittent stream channel and 0.27 acres of riparian habitat, as a result of bridge removal and construction.

Evidence impact would be potentially significant: Riparian habitat is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When riparian habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. Removal of trees and other vegetation may significantly reduce suitable nesting and roosting habitat for many bird and bat species, such as pallid bat (*Antrozous pallidus*), a California Species of Special Concern, and causes the loss of important refugia for small mammals. Mature riparian trees and mid canopy vegetation would take considerable time to reestablish and grow to function. The project may substantially adversely affect riparian habitat by temporarily impacting and permanently removing riparian habitat as described above, resulting in the loss or degradation of this vulnerable habitat type. Therefore, if the above impacts to riparian habitat occur, project impacts to riparian habitat would be potentially significant.

Recommended Mitigation Measures: To reduce impacts to riparian habitat to less-than-significant, CDFW recommends including the following mitigation measure:

Habitat restoration shall occur at a minimum ratio of 3:1 based on area and linear distance for permanent impacts and 1:1 based on area and linear distance for temporary impacts. Habitat restoration shall occur in the same calendar year as the impact on-site or as close to the site as possible within the same stream or watershed and may consist of restoration or enhancement of riparian habitat. If mitigation is not possible within the same stream or watershed, mitigation ratios may increase at the discretion of CDFW. Temporary impacts to stream and riparian habitat shall be restored on-site.

To mitigate for the removal of trees, replacement trees shall be planted at the below minimum replacement to removal ratios:

- 1:1 for removal of non-native trees;
- 3:1 for removal of native trees (excluding oak (*Quercus* sp.) trees);
- 4:1 for removal of oak trees between 5 and 10 inches in diameter;
- 5:1 for removal of oak trees between 11 and 15 inches in diameter; and
- 10:1 for removal of oak trees greater than 15 inches in diameter

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Replacement tree plantings shall consist of 5-gallon or greater saplings and locally-collected seeds, stakes, or other suitable nursery stock as appropriate, and shall be native species to the area adapted to the lighting, soil, and hydrological conditions at the replanting site. If acorns are used for oak tree replanting, each planting will include a minimum of three acorns planted at an approximately two-inch depth to minimize predation risk. Large acorns shall be selected for plantings. Replacement oaks shall come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.

The Permittee shall monitor and maintain, as necessary, all plants for five years to ensure successful revegetation. Planted trees and other vegetation shall each have a minimum of 85 percent survival at the end of five years. If revegetation survival and/or cover requirements do not meet established goals as determined by CDFW, Permittee is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or CDFW or USFWS?

Environmental Setting

Comment 3: Section VII, Subsection 4.a

Issue: The MND does not include a mitigation measure that would reduce impacts to pallid bat to less-than-significant.

Specific impact and why impact would occur: The project would result in the removal of sixteen trees and an existing bridge, both of which are potential roosting habitat for pallid bat. The MND does not require a habitat assessment or roosting survey for pallid bats prior to the commencement of project activities.

Evidence impact would be potentially significant: Removal of trees and structures such as bridges may significantly reduce suitable roosting habitat for pallid bat and could result in the direct mortality of pallid bat individuals if removed without proper habitat assessments and surveys being conducted prior to removal. Pallid bat is a California Species of Special Concern (SSC). The SSC designation is given to species native to California satisfying one or more of the following criteria: 1) is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role; 2) is listed as Federally-, but not State threatened or endangered; 3) meets the State

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definition of threatened or endangered but has not formally been listed; 4) is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; or 5) has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status. Pallid bat also has a State Ranking of S3, meaning it is 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. Based on the foregoing, if pallid bats are roosting within the bridge or trees that would be removed, project impacts to pallid bat would be potentially significant.

Recommended Mitigation Measures: To reduce impacts to pallid bat to less-than-significant, CDFW recommends including the following mitigation measure:

Bridge removal: A qualified bat biologist shall conduct a habitat assessment and surveys for pallid bats prior to bridge removal. The survey methodology shall include an initial habitat assessment and survey several months before project construction, to facilitate sufficient time to implement the exclusion plan described below, and the types of equipment used for detection.

A bat exclusion plan shall be submitted to CDFW for approval if bats are detected during the above survey. The plan shall be implemented prior to project construction and allow bats to leave the bridge unharmed. The plan shall: (1) recognize that both the maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm, and (2) identify suitable areas for excluded bats to disperse or require installation of appropriate dispersal habitat, such as artificial bat houses, prior to project construction, and include an associated management and monitoring plan with implementation funding.

Tree removal: Prior to any tree removal, a qualified bat biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through

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April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting two-step tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

Please be advised that an LSA Agreement obtained for this project would likely require the above recommended mitigation measures, as applicable.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff 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://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the project will 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 CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions in the final CEQA document for the project. CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating project impacts on biological resources.

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Questions regarding this letter or further coordination should be directed to James Hansen, Environmental Scientist, at (707) 576-2869 or James.Hansen@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
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Regional Manager
Bay Delta Region

ec: State Clearinghouse No. 2022060354