

State of California
Department of Fish and Wildlife



Memorandum

Date: October 28, 2022

To: Arnica MacCarthy
California Department of Transportation
District 4
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Governor's Office of Planning & Research

OCT 31 2022

STATE CLEARINGHOUSE

DocuSigned by:

Erin Chappell

From: Erin Chappell, Regional Manager

California Department of Fish and Wildlife-Bay Delta Region, 2825 Cordelia Road, Suite 100, Fairfield, CA 94534

Subject: State Route 1 Culvert Rehabilitation Project (04-1Q340), Notice of Completion of Initial Study with Mitigated Negative Declaration, SCH No. 2022100032, Sonoma County

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Completion (NOC) for the draft Initial Study with Mitigated Negative Declaration (IS/MND) for the State Route 1 Culvert Rehabilitation Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW is submitting comments on the draft 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 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 & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, 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.*, § 1802). Similarly, for purposes of CEQA, CDFW 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 adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority. (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by

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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State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT LOCATION AND DESCRIPTION

Caltrans proposes to replace three culverts along State Route (SR) 1 in Jenner, California, in unincorporated Sonoma County. Location 1 is near Circle Drive at Post Mile (PM) 19.25 and Locations 2 and 3 are 0.2 mile north of Burke Avenue at PM 21.84.

Location 1

The existing 90-inch culvert is 58 feet long and contains pairs of vertical struts on both sides that span the length of the pipe. The paired metal struts are spaced approximately 5 feet apart and were installed within the corrugated steel pipe (CSP) culvert in 1958. The culvert at this location will be replaced with a 90-inch CSP culvert.

Location 2 and 3

The culvert at Location 2 is 18 inches in diameter, and the culvert at Location 3 measures 72 inches (6 feet) in diameter. The culvert at Location 2 was installed south of the culvert at Location 3 in 1983 and intercepts a ditch east of the northbound lane on SR-1. Drainage from the culvert at Location 2 is conveyed under SR-1 and outfalls southwest of SR-1 at approximately the same area as the Location 3 culvert. The culvert at location 2 will be replaced with a 24-inch CSP culvert and the culvert at location 3 will be replaced with a 72-inch CSP or steel plate pipe culvert. The steel plate pipe culvert consists of multiple pieces of steel plates welded, bolted or riveted together.

REGULATORY AUTHORITY

Lake and Streambed Alteration Agreement Notification

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for or any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated 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 generally subject to notification requirements.

Fully Protected Species

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take, except for collecting these species for necessary scientific research and relocation of a fully protected bird species for the protection of

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livestock. Take of any fully protected species is prohibited, and CDFW cannot authorize their take in association with a general project except under the provisions of a Natural Communities Conservation Plan (NCCP), 2081.7 or a Memorandum of Understanding for scientific research, including efforts to recover fully protected, threatened or endangered species. "Scientific Research" does not include an action taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

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. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, and CEQA Guidelines section 15380, 15064, 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. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

COMMENTS AND RECOMMENDATIONS

CDFW strongly supports the Project design to replace the existing culverts with similar sized culverts at location 1, 2 and 3 for the culverts that are 72 inches or larger. CDFW has the following comment in regard to the design, restoration and enhancement of the culvert locations.

COMMENT: Terrestrial Wildlife Connectivity

Issue: California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors (Senate Bill 790; SB-790). A variety of wildlife species are known to inhabit the location of the proposed Project; however, details of their use of existing crossing structures are not currently known. This Project location provides an opportunity to construct and monitor a potential wildlife crossing facility that can connect habitat and provide safe passage for species to Goat Rock Beach State Park and the Russian River watershed to the mainland headed east. This location represents an essential and irreplaceable corridor (Biogeographic and Information Observation System (BIOS); DS-2734) and a major essential connectivity area according to (BIOS; DS-620). SR-1 also corridor represents

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a corridor in great need of focused improvements to benefit herpetofauna and other wildlife species.

Recommendations: To further improve the ability of wildlife to utilize the replacement culverts, the Project should utilize terrestrial connectivity elements such as wildlife friendly culvert design, directional fencing, and/or strategically placed median barriers (Midwest style guard rails are preferred, as applicable).

Recommendation 1 - Wildlife Connectivity: The IS/MND should design the culvert using the concepts outlined in *The California Department of Transportation (Caltrans), Wildlife Crossings Design Manual* (Caltrans, 2009) and the *Federal Highway Administration Wildlife Crossing Structure Handbook – Design and Evaluation in North America, Publication No. FHWA-CFL/TD-11-003* (FHWA, 2011). CDFW recommends upon completion of the Project, wildlife connectivity structures and movement corridors should be studied for a 6- to 12-month period, at minimum, to determine the effectiveness of the designs. The protocol for the post-construction surveys and design criteria for the development of the wildlife connectivity structures should follow the protocols outlined in the publications above.

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 #2022100032

REFERENCES

The California Department of Transportation (Caltrans). March 2009. *Wildlife Crossings Design Manual*, Meese et.al., University of California Davis.

Federal Highway Administration (FHWA). March 2011. *Wildlife Crossing Structure Handbook; Design and Evaluation in North America*.

Senate Bill 790: Wildlife Connectivity Actions: Compensatory Mitigation Credits, October 11, 2021. https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB790