



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 30, 2022

Huy Hoang
Cordoba Corporation
200 Maritime Academy Drive
Vallejo, CA 94590
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Subject: Waterfront Master Plan, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022120009, Solano County

Dear Mr. Hoang:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Draft Program Environmental Impact Report (EIR) for the Waterfront Master Plan (Project).

CDFW is providing California State University Maritime Academy as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project site is located on the campus of the California State University Maritime Academy (Cal Maritime) at 200 Maritime Academy Drive, Vallejo, CA 94590 in Solano County; Latitude 38.066694°N, Longitude 122.230044°W; Assessor's Parcel Number (APN) 006-209-0030.

The approximately 22-acre Project area includes extensive new development of Cal Maritime's waterfront facilities over the course of a 10-year Project timeline, divided into

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three phases. Phase One is anticipated to be analyzed at the Project level, and Phase Two and Phase Three will be analyzed at the programmatic level.

Phase One of the Project will expand Cal Maritime's main pier, including widening the linking trestle. A series of slips and berthing areas will also be installed. Dredging will occur at the main pier berth pocket and at the existing boat basin. Maintenance dredging may occur approximately every five years. Landside improvements will include expansion and upgrades to the marine yard, including a new retaining wall, and upgrades and relocation of utilities.

Phase Two will include installation of a new breakwater and approximately 10,800 square feet of additional floating slips/berthing area for Cal Maritime's boat fleet and other vessels. Renovation and seismic retrofit of the existing boathouse would also occur. Shoreline enhancements would also occur, including installation of resting elements along the existing pedestrian path, a waterfront plaza, a public pier and view deck with shade structure, a fire pit, and other furnishings.

Phase Three will add classrooms and outdoor learning spaces to the existing multi-use building. This phase will also include installation of a central waterfront esplanade canopy, row house and floating landing, shoreline enhancements and two waterfront overlook/outdoor rooms. Addition of a marine hydrokinetic barge and linking trestle may occur in Phase Two or Phase Three.

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require the EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description:

- Land use changes resulting from, for example, rezoning certain areas.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

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REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA or NPPA, either during construction or over the life of the Project. Issuance of a CESA ITP 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, such as those identified in **Attachment 1**, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, and 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 CESA.

Lake and Streambed Alteration Agreement

CDFW will require an LSA Notification, pursuant to Fish and Game Code sections 1600 et. seq. for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will 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 subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

Nesting Birds

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

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Fully Protected Species

Fully Protected species, including any listed in **Attachment 1**, may not be taken or possessed at any time except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

ENVIRONMENTAL SETTING

The EIR should provide sufficient information regarding the environmental setting (“baseline”) to understand the Project’s, and its alternative’s (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:

<https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include but are not limited to those listed in **Attachment 1**.

Habitat descriptions and the potential for species occurrence should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service’s (USFWS) Information, Planning, and Consultation System, and findings from “positive occurrence” databases such as the California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at:

<https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period within the Project area and adjacent habitats that may be indirectly

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impacted by, for example, changes to hydrological conditions, and require the identification of reference populations. More than one year of surveys may be necessary based on environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to special status plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the EIR, and/or mitigate significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This includes a discussion of impact

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avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

ENVIRONMENTAL DATA

CEQA requires information developed in EIRs 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 CNDDDB. The CNDDDB online field survey form and other methods for submitting data 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://wildlife.ca.gov/Data/CNDDDB/Plantsand-Animals>.

FILING FEES

CDFW anticipates the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

If you have any questions, please contact Alicia Bird, Environmental Scientist, at (707) 980-5154 or by email at alicia.bird@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or by email at melanie.day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell

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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species

ec:

State Clearinghouse # 2022120009
Anne Collins-Doehne, California State University, acollins-doehne@calstate.edu
Charles Richmond, Ascent Environmental, charlie.richmond@ascentenvironmental.com

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Attachment 1: Special-Status Species

Scientific Name	Common Name	Status*
Amphibians & Reptiles		
<i>Emys marmorata</i>	western pond turtle	SSC
Birds		
<i>Rallus obsoletus obsoletus</i>	California Ridgway's rail	FE, SE
<i>Laterallus jamaicensis coturniculus</i>	California black rail	SE, FP
<i>Agelaius tricolor</i>	tricolored blackbird	SE, SSC
<i>Buteo Swainsoni</i>	Swainson's hawk	ST
<i>Athene cunicularia</i>	burrowing owl	SSC
<i>Melospiza melodia maxillaris</i>	Suisun song sparrow	SSC
<i>Geothlypis trichas sinuosa</i>	saltmarsh common yellowthroat	SSC
<i>Melospiza melodia samuelis</i>	San Pablo song sparrow	SSC
<i>Circus hudsonius</i>	northern harrier	SSC
<i>Aquila chrysaetos</i>	golden eagle	FP, WL
<i>Falco peregrinus anatum</i>	American peregrine falcon	FP
<i>Elanus leucurus</i>	white-tailed kite	FP
<i>Pandion haliaetus</i>	osprey	WL
<i>Accipiter cooperii</i>	Cooper's hawk	WL
Plants		
<i>Lasthenia conjugens</i>	Contra Costa goldfields	FE, CRPR 1B.1
<i>Chloropyron molle ssp. molle</i>	soft salty bird's-beak	FE, CRPR 1B.2

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Scientific Name	Common Name	Status*
<i>Lathyrus jepsonii</i> var. <i>jepsonii</i>	Delta tule pea	CRPR 1B.2
<i>Helianthella castanea</i>	Diablo helianthella	CRPR 1B.2
<i>Lilaeopsis masonii</i>	Mason's lilaeopsis	CRPR 1B.1
<i>Centromadia parryi</i> ssp. <i>congdonii</i>	Congdon's tarplant	CRPR 1B.1
<i>Senecio aphanactis</i>	chaparral ragwort	CRPR 2B.2
<i>Blepharizonia plumosa</i>	big tarplant	CRPR 1B.1
<i>Cicuta maculata</i> var. <i>bolanderi</i>	Bolander's water-hemlock	CRPR 2B.1
<i>Dirca occidentalis</i>	western leatherwood	CRPR 1B.2
<i>Symphyotrichum lentum</i>	Suisun Marsh aster	CRPR 1B.2
<i>Polygonum marinense</i>	Marin knotweed	CRPR 3.1
<i>Eryngium jepsonii</i>	Jepson's coyote-thistle	CRPR 1B.2
<i>Isocoma arguta</i>	Carquinez goldenbush	CRPR 1B.1
<i>Calochortus pulchellus</i>	Mt. Diablo fairy-lantern	CRPR 1B.2
<i>Fritillaria liliacea</i>	fragrant fritillary	CRPR 1B.2
Fishes		
<i>Hypomesus transpacificus</i>	Delta smelt	FT, SE
<i>Oncorhynchus tshawytscha</i>	Central Valley winter Chinook salmon ESU	FE, SE
<i>Spirinchus thaleichthys</i>	longfin smelt	FC, ST
<i>Oncorhynchus tshawytscha</i>	Central Valley spring Chinook salmon ESU	FT, ST
<i>Acipenser medirostris</i> pop. 1	green sturgeon - southern DPS	FT

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Scientific Name	Common Name	Status*
<i>Oncorhynchus mykiss irideus</i>	Central California Coast winter steelhead DPS	FT
<i>Oncorhynchus mykiss</i>	Central Valley steelhead DPS	FT
Invertebrates		
<i>Bombus occidentalis</i>	western bumble bee	SC
<i>Speyeria callippe callippe</i>	callippe silverspot butterfly	FE
Mammals		
<i>Reithrodontomys raviventris</i>	salt-marsh harvest mouse	FE, SE, FP
<i>Sorex ornatus sinuosus</i>	Suisun shrew	SSC

*FP = state fully protected under Fish and Game Code; FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; FC= Federal Candidate Species, SC = State Candidate Species; WL = CDFW Watch List; SR = state listed as rare under the NPPA; BGEPA = federal Bald and Golden Eagle Protection Act; SSC = state Species of Special Concern; CRPR = California Rare Plant Rank¹

¹ CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).