



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
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November 9, 2023

John Friedenbach, General Manager
 Humboldt Bay Municipal Water District
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**SUBJECT: SAMOA PENINSULA WATERLINE RIGHT-OF-WAY MAINTENANCE PROJECT
 NOTICE OF PREPARATION (SCH# [2023100565](#))**

Dear John Friedenbach:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) from Humboldt Bay Municipal Water District (District; Lead Agency) for the Samoa Peninsula Waterline Right-of-Way Maintenance Project (Project). CDFW appreciates the opportunity to provide feedback and looks forward to reviewing additional details in the DEIR.

As the 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 (Fish and Game Code, §§ 1801 and 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code 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 pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). These comments are intended to minimize Project impacts on public trust resources.

Project Description

The Project is located on the Samoa peninsula in coastal Humboldt County, California. The Humboldt Bay Municipal Water District supplies drinking water to wholesale municipal customers and community service districts in the Humboldt Bay area. A separate industrial system delivers water for commercial use and fire suppression on the Samoa Peninsula. Due to relatively low industrial demand, right-of-way (ROW) maintenance within the Samoa Peninsula has been deferred. However, the District wishes to resume maintenance work along its industrial and domestic lines in anticipation of future growth in industrial services. The Project area extends over 7.37 miles of ROW throughout the Samoa Peninsula, covering an area of approximately 54.49 acres. As described in the NOP, Project elements

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include replacement of a four-mile stretch of 15-inch pipe with a larger 24-inch pipe; maintenance of an overflow discharge point associated with an industrial water tank; replacement of an existing electrical line; and maintenance or replacement of techite pipe along New Navy Base Road. The Project also entails general maintenance activities necessary to access, protect, and replace or maintain infrastructure, including grubbing and vegetation removal, excavation, and mechanical movement or fill of sand. The Project will be implemented in phases, with routine maintenance activities anticipated every five years thereafter. The lifespan or operational period of the Project is assumed to be 50 years.

Biological Significance

The Samoa Peninsula is a diverse mosaic of wetland, riparian, coastal dune, and upland forest habitats, many of which are considered Sensitive Natural Communities (SNC) due to their limited extent and vulnerability to ongoing threats. These diverse ecosystems provide essential habitat for numerous special status species, including several listed or proposed for candidacy pursuant to the federal Endangered Species Act and the California Endangered Species Act. Notable examples include beach layia (*Layia carnosa*; federally threatened [FT], state endangered [SE]) and Menzies' wallflower (*Erysimum menziesii*; FE, SE). Special status wildlife known or likely to occur in the Project area include Western Snowy Plover (*Charadrius nivosus nivosus*; FT), White-Tailed Kite (*Elanus leucurus*; CDFW Fully Protected [FP]), Northern Harrier (*Circus hudsonius*; CDFW Species of Special Concern [SSC]), and northern red-legged frog (*Rana aurora*; SSC), among others. There are also several historical occurrences of western bumble bee (*Bombus occidentalis*; state candidate endangered) on the Samoa Peninsula, which includes large tracts of intact foraging and nesting habitat. Coastal dunes support a diverse array of sensitive plant species, including but not limited to short-leaved evax (*Hesperervax sparsiflora* var. *brevifolia*; California Rare Plant Rank [CRPR] 1B.2) and dark-eyed gilia (*Gilia millefoliata*; CRPR 1B.2).

Comments and Recommendations

CDFW is familiar with the Project area and looks forward to working with the District to minimize or adequately mitigate the Project's potentially significant impacts on biological resources.

California Endangered Species Act (CESA) Compliance. CDFW recommends including a full impact analysis of CESA listed species in the DEIR. Project-related activities that result in take of CESA listed species would require authorization from CDFW through an Incidental Take Permit (ITP) or Consistency Determination (CD) pursuant to Fish and Game Code §§2080.1 or 2081(b) and California Code of Regulations Title 14 (14 CCR) §783 *et seq.* The ITP or CD application should include a complete project description, as well as other required elements (14 CCR §783.2). CDFW's [CESA website](#) provides additional information about the permitting process and maintains lists of rare, threatened, and endangered plants and animals.

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Biological Surveys. A thorough biological assessment should be conducted *prior* to circulation of the DEIR to adequately disclose direct, indirect, and cumulative impacts and identify feasible mitigation measures. CDFW understands biological surveys have only been completed for Phase 1 and 2, with Phase 3 surveys scheduled for 2024. The NOP acknowledges “*additional federally and/or state listed species may occur in the remaining Phase 3 area.*” As written, it is unclear whether the Lead Agency intends to complete biological surveys prior to circulating the CEQA document. Without the results of these surveys to establish baseline conditions, CDFW, other agencies, and the public cannot evaluate the full extent or significance of impacts to special status species and sensitive habitats. Appropriately timed habitat assessments and/or focused, species-specific surveys are recommended to adequately evaluate presence within the Project area as well as potential Project impacts. Rare plants and Sensitive Natural Communities should be assessed following CDFW’s March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. A comprehensive assessment of biological resources should also consider wetlands, riparian areas, and migratory corridors.

Mitigation. An EIR must discuss mitigation measures to reduce significant adverse impacts, providing sufficient detail to evaluate the efficacy and feasibility of proposed measures. Although CDFW appreciates the District’s commitment to mitigate for unavoidable impacts to biological resources, we caution against deferring the details of mitigation to some future time (CEQA § 15126.4(a)(1)(B)). The NOP currently implies that mitigation measures will be formulated during the permitting phase of the Project: “*affected biological resources will be mitigated as warranted based on agreements with jurisdictional agencies as determined during Project permitting.*” The DEIR should disclose the whole of the action for public review (CEQA § 15378(a)), quantifying the nature and extent of Project-related impacts and identifying feasible mitigation measures. A draft Mitigation and Monitoring Plan (MMRP) should be provided, specifying performance standards such as revegetation ratios and success criteria. CDFW encourages the District to consider coastal dune restoration with an emphasis on invasive species removal, which is identified as an effective conservation strategy for both beach layia and Menzies’ wallflower (USFWS 1998). Dune restoration also increases resiliency to sea level rise by facilitating landward transfer of sand and more rapid recovery following storm surge (Hilgendorf et al. 2022). CDFW looks forward to working with the District to identify potential mitigation strategies and suitable locations.


Submittal of Biological Data to CNDDDB. 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 (Public Resources Code § 21003(e)). Accordingly, please report any special status species and Sensitive Natural Communities detected during Project surveys to the California Natural Diversity

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Database (CNDDDB). Additional information and instructions for data submission can be found on the [CNDDDB website](#).

If you have any questions, please contact Kathryn Rian, Environmental Scientist, by e-mail at Kathryn.Rian@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Rebecca Garwood
Northern Region Coastal Habitat Conservation Program Manager

cc: Office of Planning and Research, State Clearinghouse
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California Department of Fish and Wildlife
Rebecca Garwood, Michael van Hattem, Kathryn Rian
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References

Hilgendorf, Z., I. J. Walker, A. J. Pickart, and C. M. Turner. 2022. Dynamic restoration and the impact of native versus invasive vegetation on coastal foredune morphodynamics, Lanphere dunes, California, USA. *Earth Surface Processes and Landforms* 2022: 1-17.

USFWS. 1998. Seven coastal plants and the Myrtle's silverspot butterfly recovery plan. U.S. Fish and Wildlife Service, Portland, OR.