State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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April 22, 2024

Dennis Palacios
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SUBJECT: SALMON CREEK SANDBLAST WASTE ABATEMENT REMEDIAL ACTION PLAN STATE CLEARINGHOUSE# 2024030737

Dear Dennis Palacios:

On March 20, 2024, the California Department of Fish and Wildlife (CDFW) received an Initial Study Negative Declaration (IS/ND) from the Department of Toxic Substances Control (DTSC; Lead Agency) for the Salmon Creek Sandblast Waste Abatement Remedial Action Plan Project (Project), Mendocino County, California. CDFW understands that the Lead Agency will accept comments on the Project through April 22, 2024.

As a 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. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (Fish & G. 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*.). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potentially significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

Project Description

As stated in the IS/ND, the Project is located on a section of State Route (SR) 1 in Mendocino County, California. The Project is specifically located at the SR1 bridge over Big Salmon Creek between post miles 42.9 through 43.6, approximately 18 miles south of Fort Bragg.

The purpose of the Project is to remediate lead-impacted shallow soil in the State right-of-way (ROW) and on the privately-owned parcels east of the Big Salmon Creek Bridge. California Department of Transportation (Caltrans) maintenance records for the Big Salmon Creek Bridge indicate "Red Lead" and "Zinc Rich" paint were used in the 1950s and 1960s. Subsequent bridge paint sandblasting operations did not include containment measures thereby resulting in contamination of soils beneath the bridge. The Project work plan includes remediation of lead-impacted soil within the State ROW under the Salmon Creek Bridge to statistically-based concentrations below the regulatory commercial/industrial land use cleanup goal. Remedial excavations on private parcels east of the State ROW will be performed to reduce lead concentrations below the regulatory residential land use cleanup goal. Removal of vegetation would be necessary prior to removal of lead-impacted shallow soils; however, the targeted removal would preserve vegetation on steep, difficult to access slopes. Excavation depths would vary from 0.5 feet to 1.5 feet. In situ testing and screening during excavation would be used to verify soils left in place meet the cleanup goals. Excavated materials will be shuttled to an onsite staging area and temporarily stockpiled. Areas where lead-impacted soils are removed will be restored by placement and contouring of imported material, amendment of soils as needed, erosion control, revegetation, and wetland restoration.

Environmental Setting and Special Status Species

The Project location contains a rich diversity of species and habitats that coalesce at an estuary where the Big Salmon Creek flows into the Pacific Ocean. The IS/ND states the biological study area contains potential habitat for at least 59 special status species; including 37 plant species and 22 animal species. The study area contains at least seven Sensitive Natural Communities (SNC), 6.3 acres of wetland habitat, 1.2 acres of stream and tidal habitat, and 2.36 acres of riparian habitat. Additionally, Big Salmon Creek is designated

critical habitat for coho salmon (*Oncorhynchus kisutch*) –Central California Coast Evolutionarily Significant Unit, and steelhead (*O. mykiss irideus*)–Northern California Distinct Population Segment.

CDFW Consultation History

CDFW consultation for this location goes back to at least 2018, with several CDFW staff participating in meetings with Caltrans regarding the pending bridge replacement project on SR 1 at Big Salmon Creek.

CDFW Permitting

Based on information provided in the IS/ND, the proposed Project may have substantial impacts to the bed, bank, or channel of Big Salmon Creek. Caltrans should notify CDFW for a Lake or Streambed Alteration (LSA) Agreement. Based on information provided in the IS/ND it is unclear if the Project will result in take[1] of CESA-listed species. CDFW looks forward to continuing coordination with Caltrans to ensure that mitigation approaches will be compatible with state permitting requirements, including further coordination on mitigation approaches for impacts to onsite habitat.

CDFW Comments on the IS/ND:

1. **Cleanup Standards**

   The IS/ND states soil excavations to remediate lead contamination within the State ROW will reduce lead concentrations below the regulatory commercial/industrial land use cleanup goal (320 milligrams per kilogram (mg/kg) plus background concentration (9 mg/kg)). Additionally, excavations on private parcels east of the State ROW will be reduced to concentrations below the regulatory residential land use cleanup goal (80

[1] Take means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish & G. Code, § 86).

mg/kg plus background concentration). The IS/ND also states the Project's Ecological Risk Assessment (ERA; DTSC 2024) indicates cleanup goals for lead-impacted soil based on human health exposure are more than adequate to protect potential wildlife receptors. However, the IS/ND is not clear regarding ERA cleanup goals of coastal scrub-shrub wetlands, coastal emergent wetlands, or other sensitive habitats outside residential land use areas (i.e., within the State ROW).

The IS/ND should be clear which cleanup standard is being used for sensitive habitats within the State ROW and whether those standards are supported by an ERA (**Recommendation 1**).

2. Sensitive Natural Communities

CDFW uses a hierarchical classification of vegetation types using methods that comply with the National Vegetation Classification Standard (CDFW 2024a). The terms "vegetation types" and "Natural Communities" are often used interchangeably. Natural Communities have been part of CDFW's natural heritage conservation triad, along with special status plants and animals, since the 1979 inception of California's Natural Heritage Program, the California Natural Diversity Data Base (CDFW 2024b). Based on rarity and threats, some Natural Communities are considered Sensitive Natural Communities (SNC) and should receive consideration in CEQA impact analyses (CEQA Guidelines, Appendix G).

The IS/ND states vegetation types were identified at the alliance level and evaluates consideration of SNCs at the alliance level of classification hierarchy. However, most SNCs in CA occur at the association level of classification (CDFW 2024c). Therefore, the IS/ND should disclose all SNCs to the association level of classification within the study area (**Recommendation 2**).

3. Invasive Species

The IS/ND states roads, highways, and related construction projects provide dispersal pathways for invasive plant species, and the introduction and spread of invasive plants adversely affect natural plant communities by displacing native plant species that provide shelter and

forage for wildlife species. Additionally, the IS/ND states areas of lead-impacted soil removal will be restored by placement and contouring of fill material, amendment of soils as needed, erosion control, and revegetation. The IS/ND standard measure IS-2 states a revegetation plan will be prepared, including invasive plant species management by the Project.

The importance of invasive plant species management is emphasized by the high occurrence rate of invasive plant species along SR 1 in Mendocino County, including pampas grass (*Cortaderia jubata*), Scotch broom (*Cytisus scoparius*), French broom (*Genista monspessulana*), gorse (*Ulex europaeus*), bugle lily (*Watsonia meriana*), mustards (*Brassica* spp.) and others. In addition to soil removal areas, CDFW recommends the invasive plant species management area include staging, stockpiling areas, and all locations of Project ground disturbance (**Recommendation 3**). Monitoring and management of invasive species should occur for at least five years post-Project and result in no net increase in invasive plant species cover compared to the pre-Project baseline, with no new introductions of noxious or highly invasive weeds.

4. Work Adjacent to Big Salmon Creek

Figure 2 of the IS/ND indicates ground disturbance will occur at the water's edge of Big Salmon Creek and standard measure WW-2 states in-stream work will be restricted to the period between June 15 and October 15.

The IS/ND should include a description of work that will take place near Big Salmon Creek. Additional information should include a description of any in-stream work; other work within distance intervals (e.g., 10, 20, 40+ft) from the streams wetted edge; equipment used; an evaluation of Project effects on post-Project streambank stability; and any actions that could result in take of state-listed species, such as coho salmon (**Recommendation 3**).

5. Mitigation

The IS/ND states the Lead Agency has determined mitigation measures

are not necessary, beyond those incorporated as part of the proposed Project, to ensure Project impacts would be less-than-significant. The IS/ND impact analyses propose a combination of on-site and off-site compensation (e.g. mitigation bank credits) for impacts to natural resources, including permanent impacts to SNCs and wetland habitat. The IS/ND suggests these "compensations" are standard measures with best management practices included as part of the Project, and these would result in impacts being reduced to a less-than-significant level. However, the less-than-significant determinations are premised on implementation of "compensations" that meet the definition of mitigation (CEQA 15370). Therefore, the Lead Agency should review the appropriateness of the ND without mitigation measures and consider use of a Mitigated ND (MND) (CEQA 21064.5) (**Recommendation 4**). The distinction between a ND and MND is important because CEQA requires mitigation measures to be feasible and contain specific performance standards the mitigation will achieve (CEQA Guidelines, §15126.4). Additionally, MNDs should contain details of a mitigation monitoring or reporting program/plan (MMRP), such as (1) roles and responsibilities for various aspects of monitoring; (2) timing/implementation; (3) reporting and support responsibilities; (4) other responsibilities of the Project proponent; (5) general standards for determining Project compliance with the mitigation measures or revisions related to conditions of approval; and (6) enforcement procedures for noncompliance or adaptive management (CEQA Guidelines, § 15097). Also, the IS/ND states mitigations will occur at an approved mitigation bank or property. CDFW is not aware of any mitigation banks in the Project region that are creating credits through CDFW's mitigation bank program. However, CDFW would support suitable off-site mitigation in the adjacent lower Albion River watershed.

6. Cumulative Impacts

The IS/ND does not discuss how the Project is related to Caltrans' plans to replace the SR 1 Salmon Creek Bridge or how the pending bridge project would affect any on-site habitat mitigations for the lead remediation Project.

The IS/ND should briefly discuss the pending bridge replacement project

and ways that project may interact with this lead remediation Project, including durability of on-site habitat mitigations for the lead remediation Project (**Recommendation 5**).

Summary of Recommendations

1. The IS/ND should be clear which cleanup standard is being used for sensitive habitats within the State ROW and whether those standards are supported by an ERA.

2. The IS/ND should disclose all SNCs to the association level of classification within the study area.

3. In addition to soil removal areas, the invasive plant species management area should include staging, stockpiling areas, and all locations of Project ground disturbance. Monitoring and management of invasive species should occur for at least five years post-project and result in no net increase in invasive plant species cover compared to the pre-Project baseline, with no new introductions of noxious or highly invasive weeds.

4. The IS/ND should include a description of work that will take place near Big Salmon Creek, including any in-stream work; other work in proximity to the stream's wetted edge; equipment used; an evaluation of Project effects on post-Project streambank stability; and any actions that could result in take of state-listed species, such as coho salmon.

5. The Lead Agency should review the appropriateness of an ND with mitigation measures and consider use of an MND with mitigations that are feasible and contain specific performance and reporting standards in an MMRP.

6. The IS/ND should briefly discuss the pending bridge replacement project and ways that project may interact with this lead remediation Project, including durability of on-site habitat mitigations for the lead remediation Project.

Thank you for the opportunity to comment on this IS/ND. CDFW staff are available to meet with you to consult with or address the contents of this letter in

greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Senior Environmental Scientist Specialist Greg O'Connell at Gregory.OConnell@wildlife.ca.gov.

Sincerely,

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Citations

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CDFW. 2024c. Natural Communities List Arranged Alphabetically by Life Form, dated June 1, 2023. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved April 15, 2024, from https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline.

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