



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 19, 2019

Governor's Office of Planning & Research

NOV 21 2019

STATE CLEARINGHOUSE

Ms. Karen Kinser
Deputy Director of Public Works
City of Brisbane
50 Park Place
Brisbane CA 94005
kkinser@brisbaneca.org

Subject: Guadalupe Channel Erosion Control Project, Initial Study/Mitigated Negative Declaration, SCH #2019109080, City of Brisbane, San Mateo County

Dear Ms. Kinser:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by the City of Brisbane for the proposed Guadalupe Channel Erosion Control Project (Project) located in the County of San Mateo. CDFW is submitting comments on the IS/MND regarding potential impacts to biological resources associated with the proposed Project.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §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 approval under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and/or other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW offers the following comments and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The proposed Project includes the bank stabilization of approximately 400 linear feet of Guadalupe Channel between a culvert beneath the Bayshore Boulevard/Valley Drive intersection and the Machinery Road bridge structure immediately south of the Brisbane Fire Department Station.

Bank stabilization includes laying back the incised stream channel to a 2:1 ratio and installation of geo-cell web to prevent vegetation from falling into the Guadalupe Channel.

ENVIRONMENTAL SETTING

The special-status species that are known to occur, or have the potential to occur in or near the Project site, include:

- Alameda song sparrow (*Melospiza melodia pusillula*), a state species of special concern;
- Bryant's savannah sparrow (*Passerculus sandwichensis alaudinus*), a state species of special concern;
- Central California Coast steelhead (*Oncorhynchus mykiss*), a federally listed threatened species under the Federal Endangered Species Act (ESA);
- Longfin smelt (*Spirinchus thaleichthys*), a federal candidate species under ESA and a state listed threatened species under CESA;
- Loggerhead shrike (*Lanius ludovicianus*), a state specie of special concern;
- Pallid bat (*Antrozous pallidus*), a state species of special concern; and
- San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), a state species of special concern.

COMMENTS

Comment 1: Geo-cell Web

CDFW strongly recommends that the Project incorporate biotechnical engineering design elements within the bed, bank, and channel of the Guadalupe Channel rather than using geo-cell web, a permanent, petroleum-based material. Removing the geo-cell web material from the Project would avoid fish and wildlife entanglement and release of debris into the channel resulting from degradation of this material.

It is our understanding that there are other alternatives in use that will not risk entanglement. Coordination with CDFW on specific design concepts is also strongly recommended.

Comment 2: Cause of Stream Erosion

It is unclear whether the Project addresses the cause for stream erosion. The IS/MND states that the Project purpose is to prevent trees from falling and causing flow obstruction and erosion; however, the IS/MND also states that moderately high stream velocities is the cause of stream erosion. CDFW recommends clarifying what is causing stream erosion and provide justification that the Project is addressing the cause of stream erosion.

Comment 3: Further Stream Erosion

Please include a detailed explanation if further stream erosion is expected after Project completion.

CDFW is concerned that, after Project completion, further stream erosion may occur and expose the geo-cell web. The exposed geo-cell web may entrain fish and wildlife species as well as cause trash.

Ms. Karen Kinser
City of Brisbane
November 19, 2019
Page 3 of 4

Comment 4: CESA Permit for Longfin Smelt

Based on information provided in the IS/MND, it appears that an Incidental Take Permit may be warranted for longfin smelt, a species listed as threatened under CESA. Page 18 of the IS/MND states that longfin smelt may be present in the tidal reaches of sloughs in the San Francisco South Bay, and stray individuals could occur within the reach of the Guadalupe Channel within the Project site. Page 20 further states that if longfin smelt is present within the work area when construction occurs, they could be injured or killed as a result of stranding or relocation efforts. Such activities are considered take by CESA.

REGULATORY REQUIREMENTS

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.

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW's Lake and Streambed Alteration Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities 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 (Public Resources Code section 21000 et seq.) as the responsible agency.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code section 711.4; Pub. Resources

Ms. Karen Kinser
City of Brisbane
November 19, 2019
Page 4 of 4

Code, section 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.

Thank you for the opportunity to comment on the Project's draft IS/MND. If you have any questions, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or monica.oey@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or randi.adair@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse #2019109080

Katerina Galacatos, U.S. Army Corps of Engineers
katerina.galacatos@usace.army.mil

Tahsa Sturgis, San Francisco Bay Regional Water Quality Control Board
tahsa.sturgis@waterboards.ca.gov

Katie Hart, San Francisco Bay Regional Water Quality Control Board
kathryn.hart@waterboards.ca.gov