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April 20, 2020

Governor's Office of Planning & Research

APR 20 2020

STATE CLEARINGHOUSE

Mr. Karl Ono
Napa Sanitation District
1515 Soscol Ferry Road
Napa, CA 94558
kono@napasan.com

Subject: 66-Inch Trunk Sewer Rehabilitation Project: Kaiser Road to Soscol Water Recycling Facility, Draft Mitigated Negative Declaration, SCH #2020031118, Napa County

Dear Mr. Ono:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Mitigated Negative Declaration (MND) for the 66-inch Trunk Sewer Rehabilitation Project: Kaiser Road to Soscol Water Recycling Facility (Project). CDFW is submitting comments on the draft MND to inform Napa County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is submitting comments as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386, and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the 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.

Environmental Setting

The Project spans approximately 3 miles from the Soscol Water Recycling Facility, located at 1515 Soscol Ferry Road, to the intersection of Kaiser Road and Basalt Road to the north. The Project will cross Suscol Creek and Bedford Slough directly to the east of where they enter the Napa River. The Project area is comprised of industrial development and associated development, undeveloped grasslands, and open channel habitat, specifically Suscol Creek and Bedford Slough. The City of Napa proper lies approximately 3 miles to the north of the Soscol Water Recycling Facility, and the Napa Airport lies approximately 1 mile to the south.

Project Description

The proposed Project includes rehabilitation of an approximately 6,985-foot long, 66-inch wide reinforced concrete pipe trunk sewer, rehabilitation and replacement of existing manholes, installation of one new manhole, and bypass of sewage during construction. The Project also will install a cured-in-place pipe liner or spiral wound liner within the structurally compromised segments of the trunk sewer pipeline. To complete the bypass work, a temporary bypass

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system will be necessary. Bypass pipelines will be buried at roadway and driveway crossings, otherwise, pipelines will be installed above ground to minimize excavation and reduce time for installation and dismantling. The temporary bypass pipeline will span both Suscol Creek and Bedford Slough; and a temporary bridge will need to be constructed at Bedford Slough to support the pipeline.

Comments and Concerns

Salt marsh harvest mouse (SMHM; Reithrodontomys raviventris)

The Project area contains approximately 2.30 acres of brackish marsh habitat, which could support SMHM. Dependent on which bypass alignment alternative is selected for the Project, a portion of this habitat may be impacted by the Project. Impacts to marsh habitat, including vegetation removal/disturbance, could cause take of SMHM if the species is present during Project activities; and such take would be a significant impact under CEQA. SMHM is a fully protected species under the Fish and Game Code section 4700; therefore, CDFW cannot issue a permit for their take. Complete avoidance measures must be incorporated into the Project to ensure full take avoidance of the species. CDFW recommends choosing the alignment of the Project that will avoid marsh habitat to the greatest extent feasible. If marsh habitat must be impacted, CDFW recommends that Mitigation Measure BIO 4A be replaced with the following language to reduce potential impacts to less-than-significant:

Prior to Project activities (e.g. vegetation removal, disturbance to vegetation) occurring in potential SMHM habitat each day, an approved qualified biologist, familiar with salt marsh harvest mouse (SMHM), shall walk through and inspect suitable habitat prior to vegetation removal and search for signs of harvest mice or other sensitive wildlife and plants. If a mouse of any kind is discovered, no work shall occur within 150 feet of where the mouse was discovered. Following inspection, personnel, under the supervision of the qualified biologist, will disturb (e.g., flush) vegetation to force movement of SMHM into adjacent marsh areas. Flushing of vegetation will first occur in the center of the site then progress toward the two sides away from the open water areas. Immediately following vegetation flushing, personnel, under the supervision of the qualified biologist, will remove vegetation with hand tools (e.g. weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than 2 inches. If string trimmers (a.k.a. weed whackers) are used, they shall be used to the minimum extent necessary and shall be used to take down vegetation height a couple inches at a time so that the biological monitor can search for potential SMHM nests. If a nest is discovered, all work shall stop immediately and CDFW shall be notified. Work shall not resume until CDFW provides written permission to do so. Alternatively, livestock grazing (e.g. sheep) can be used to remove all vegetation to ground level. Vegetation removal shall include a 2-foot wide buffer from the edge of the project site to ensure mice will not enter the project site. Large equipment shall not enter suitable SMHM habitat until all vegetation has been taken down to ground level. If an injured or killed mouse is discovered at any time during Project activities, all work shall cease immediately and CDFW shall be contacted for further direction. A restoration ecologist with documented experience with salt marsh habitat restoration shall monitor the site to ensure that marsh habitat restores naturally to the same coverage rate prior to disturbance. If after 3 years, the site is not revegetated, the restoration ecologist shall develop a site restoration plan to revegetate all salt marsh habitat temporarily

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impacted by the Project. Restoration may include hand transplanting of marsh vegetation (e.g. pickleweed) from clean donor areas.

Swainson's hawk (SWHA; Buteo swainsoni)

There is a high potential for breeding or nesting SWHA to occur within 0.5 miles of the Project area between the period of March 1 to September 15 (i.e. typical breeding season). Project activities resulting in elevated noise levels could result in take (e.g. nest abandonment) if such activities occur within 0.5 miles of an active nest, and if Project-generated noise is significantly greater than ambient conditions. CDFW recommends working outside of nesting season, September 16 to February 28. If that is not feasible, to reduce impacts to less-than-significant, CDFW recommends that Mitigation Measure BIO-9A be revised as follows:

A qualified biologist with documented experience conducting protocol-level surveys for SWHA shall conduct pre-construction surveys in accordance with the Swainson's Hawk Technical Advisory Committee's Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (May 31, 2000). The qualified biologist shall conduct 3 surveys in each of the two survey periods prior to the start of Project activities, for a total of 6 survey visits. If breeding Swainson's hawk are observed within 0.5 miles of where Project activities will be occurring, CDFW shall be notified by the Project proponent to discuss appropriate avoidance and minimization measures. Appropriate measures may include having a qualified biologist or trained biological monitor on-site each day during Project activities to ensure the Project does not disturb nesting behavior. If an active Swainson's hawk nest is discovered in close proximity to where Project activities must occur, CDFW may require the Project proponent to get a CESA Incidental Take Permit prior to the start of the Project.

Roosting bats

The draft MND states that no tree or building removal will occur as a result of the Project. However, if tree or building removal were to occur, Mitigation Measure BIO-5A (MM BIO-5A) would be implemented to reduce impacts on roosting bats to less-than-significant. While CDFW agrees on the intent of MM BIO-5A, it recommends that MM BIO-5A be revised as follows:

If trees or buildings need to be removed for the Project, a qualified biologist shall conduct a bat habitat assessment of all trees and/or buildings proposed for removal to determine presence of roosting bats. Any trees containing suitable bat roosting habitat (e.g. cavities, crevices, deep bark fissures) shall be marked and removed using a two-day phased method as follows: On day 1, under the supervision of a qualified biologist, all limbs not containing suitable bat roosting habitat shall be removed using chainsaws only. The next day, the rest of the tree shall be removed.

All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin). If tree removal must occur outside of these timeframes, a qualified biologist shall survey the trees to the extent

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feasible to determine if maternity colonies are winter torpor bats are present. If present, the tree shall not be removed until females have given birth to young and when young bats are self-sufficiently volant, as determined by a qualified biologist.

If roosting bats or evidence thereof is discovered within any buildings proposed for removal, the qualified biologist who conducted the assessment shall prepare an Avoidance and Minimization Plan (Plan) for the Project that has specific measures to be implemented prior to and during building removal. The Plan shall be reviewed and approved by CDFW prior to the start of Project activities.

Biological Surveys


CDFW recommends that Mitigation Measures BIO 3A, and 5A – 12A, be revised where appropriate to specify that biological surveys will be conducted by a qualified biologist. Otherwise, the measures could be misinterpreted to mean that anyone could conduct biological surveys.

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, § 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.

CDFW appreciates the opportunity to provide comments on the draft MND for the proposed Project and is available to meet with you to further discuss our concerns. Additionally, CDFW is available to work with the project applicant in order to complete their Notification for a Lake or Streambed Alteration Agreement. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at garrett.allen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at karen.weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse