

5/1/2020

**MAY 04 2020**

**From:** Wood, Dylan@Wildlife <Dylan.A.Wood@wildlife.ca.gov> **STATE CLEARINGHOUSE**  
**Sent:** Friday, May 1, 2020 4:17 PM  
**To:** ceqa@saccounty.net  
**Cc:** Wildlife R2 CEQA; OPR State Clearinghouse  
**Subject:** Comments on the ND for the Capitola Pump Station Rehabilitation Project (SCH:2020049009)

Dear Mr. Hawkins:

The California Department of Fish and Wildlife (CDFW) received the Negative Declaration (ND) for the Capitola Pump Station Rehabilitation Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the project that may affect California fish and wildlife.

### **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

<sup>1</sup>CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000

### **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the Lead Agency to improve the document.

**Comment 1: CDFW recommends clarifying Mitigation Measure A.** Notification to CDFW is required, pursuant to Section 1602 of the Fish and Game Code if a project proposes activities that will substantially divert or obstruct the natural flow of water; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. The project proponent formally Notified CDFW on April 22, 2020.

Mitigation Measure A of the ND currently states that the "applicant shall secure a Lake and Streambed Alteration Agreement from CDFW prior to any work within the American River." The proposed project includes a culvert a replacement at an unnamed tributary to the American River, which may be interpreted as being excluded from the requirements of this Mitigation Measure A. Likewise, a final Lake or Streambed Alteration Agreement is typically how projects comply with Section 1602 of the Fish and Game Code; however, CDFW may address compliance through an alternative approach.

To address these potential issues, CDFW recommends Mitigation Measure A revised to state the following (additions underlined):

*The applicant shall secure a Lake and Streambed Alteration Agreement or other authorization letter from CDFW prior to any work within the American River or its tributaries and implement any additional mitigation required by California Department of Fish & Wildlife.*

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental documents 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 the California Natural Diversity Database (CNDDDB). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>. The completed form can be sent electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## **CONCLUSION**

CDFW appreciates the opportunity to comment and assist the Lead Agency in identifying and mitigating project impacts on biological resources.

Please contact me at 916-358-2384 or [dylan.a.wood@wildlife.ca.gov](mailto:dylan.a.wood@wildlife.ca.gov) if you have any questions.

Sincerely,

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California Department of Fish and Wildlife

Environmental Scientist

(916) 358-2384

